California State Board of Education
Meeting Agenda Items for September 7-8, 2011
SBE Meeting Contents for September 2011

Contents of the California State Board of Education (SBE) meeting for September 7 and 8, 2011.

Vision, Mission, and Goals

Bylaws

AGENDA

Wednesday, September 7th

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

Last Modified: Monday, August 29, 2011
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) If the Board, in its discretion, determines that no nominee for the office of president or vice president can garner sufficient votes for
election to that office at the January meeting, any motion to put the election over to a subsequent meeting is in order.

(h) 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.

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

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

Section 1.
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

Section 2.

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

REPRESENTATIVES

Section 3.

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

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1.

(a) The Board may hold a public hearing regarding any matter pending before it after giving 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

Section 2.

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

Section 3.

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.
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.

(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>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>Constitution of the State of California</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
</tr>
<tr>
<td>EC</td>
<td>California Education Code</td>
</tr>
<tr>
<td>GC</td>
<td>California Government Code</td>
</tr>
<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>
</tr>
</tbody>
</table>

Dates of Adoption and Amendment

<table>
<thead>
<tr>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted</td>
<td>April 12, 1985</td>
</tr>
<tr>
<td>Amended</td>
<td>February 11, 1987</td>
</tr>
<tr>
<td>Amended</td>
<td>December 11, 1987</td>
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<tr>
<td>Amended</td>
<td>November 11, 1988</td>
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<tr>
<td>Amended</td>
<td>December 8, 1989</td>
</tr>
<tr>
<td>Amended</td>
<td>December 13, 1991</td>
</tr>
<tr>
<td>Amended</td>
<td>November 13, 1992</td>
</tr>
<tr>
<td>Amended</td>
<td>February 11, 1993</td>
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<tr>
<td>Amended</td>
<td>June 11, 1993</td>
</tr>
</tbody>
</table>
Amended May 12, 1995
Amended January 8, 1998
Amended April 11, 2001
Amended July 9, 2003

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

Last Reviewed: Friday, August 26, 2011

California Department of Education
Mobile site | Full site
SBE Agenda for September 2011

Agenda for the California State Board of Education (SBE) meeting to be held on September 7 and 8, 2011.

State Board Members

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

Secretary & Executive Officer

Hon. Tom Torlakson

Executive Director

Susan K. Burr

<table>
<thead>
<tr>
<th>Schedule of Meeting</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wednesday, September 7, 2011</strong> 9:00 a.m. Pacific Time +</td>
<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
</tr>
<tr>
<td>STATE BOARD OF EDUCATION</td>
<td></td>
</tr>
<tr>
<td>Closed Session – IF NECESSARY</td>
<td></td>
</tr>
<tr>
<td>(The public may not attend.)</td>
<td></td>
</tr>
</tbody>
</table>

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 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:

- California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc. Alameda Superior Court, Case No. 07353566
- California School Boards Association and its Education Legal Alliance, et al., v. The California State Board of Education, et al., Sacramento County Superior Court, Case No. 34-200800021188-CU-MC-GDS
- EMS-BP, LLC, Options for Youth Burbank, Inc. et al. v. California Department of Education, et al., Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079 and related appeal
- Opportunity for Learning – PB, LLC; Opportunities for Learning – C, LLC, and Opportunities for Learning WSH, LLC Notice of Appeal Before the Education Audit Appeals Panel
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>
<td>Wednesday, September 7, 2011 9:00 a.m. Pacific Time + (Upon Adjournment of Closed Session, if held.)</td>
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</table>

STATE BOARD OF EDUCATION Public Session

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

<table>
<thead>
<tr>
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<tbody>
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<td>Thursday, September 8, 2011 9:00 a.m. Pacific Time +</td>
<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
</tr>
</tbody>
</table>

STATE BOARD OF EDUCATION Closed Session – IF NECESSARY (The public may not attend.)

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

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<td>California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827</td>
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</tbody>
</table>
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
September 7, 2011

Wednesday, September 7, 2011 – 9:00 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 SUPERINTENDENT

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

AGENDA ITEMS

Item 1

Subject: Parent Empowerment - Adopt Proposed Changes to the California Code of Regulations, Title 5, Sections 4800–4808.

Type of Action: Action, Information
Item 2


Type of Action: Action, Information

- Item 2 Attachment 3 (Updated 30-Aug-2011)
- Item 2 Attachment 4 (Updated 30-Aug-2011)

***PUBLIC HEARING***

A Public Hearing on the following agenda item will commence no earlier than 10:00 a.m. on Wednesday, September 7, 2011. The Public Hearing will be held as close to 10:00 a.m. as the business of the State Board permits.

Item 3 (Revised 30-Aug-2011)

Subject: California College, Career, and Technical Education Center: Consider Issuing a Notice of Intent to Revoke Pursuant to Education Code Section 47607(e).

Type of Action: Action, Information, Hearing

- Item 3 Attachment 1
- Item 3 Attachment 4
- Item 3 Attachment 5
- Item 3 Attachment 6

***END OF PUBLIC HEARING***

Item 4

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

Type of Action: Action, Information

Item 5

Elementary and Secondary Education Act Update: School Improvement Grant: Status of Renewal of Funding for Year 2 of Cohort 1 Fiscal Year 2009 Local Educational Agencies and Schools for the Sub-Grants Under Section 1003(g), and other Elementary and Secondary Education Act Updates as Appropriate.

Type of Action: Action, Information

- Item 5 Attachment 1
- Item 5 Attachment 3
- Item 5 Attachment 4

Item 6

Subject: Public Charter Schools Grant Program: Update, Including, But Not Limited to, the 2010–15 Grant Award and Revisions to California Code of Regulations, Title 5, Section 11968.5.

Type of Action: Action, Information

- Item 6 Attachment 1
***PUBLIC HEARING***

A Public Hearing on the following agenda items will commence no earlier than 1:00 p.m. on Wednesday, September 7, 2011. The Public Hearing will be held as close to 1:00 p.m. as the business of the State Board permits.

**Item 7**

**Subject:** New West Charter Middle School: Consideration of Petition to Renew Charter Currently Authorized by the State Board of Education.

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

- Item 7 Attachment 4
- Item 7 Attachment 5
- Item 7 Attachment 6

**Item 8**

**Subject:** New West Charter Middle School: Material Revision Request to Expand From Grades Six Through Eight to Grades Six Through Twelve School and to Change Location of the School.

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

- Item 8 Attachment 1
- Item 8 Attachment 2

***END OF PUBLIC HEARING***

**Item 9**


**Type of Action:** Action, Information

**Item 10**

**Subject:** Consideration of Requests From Nonclassroom-based Charter Schools for “Reasonable Basis”/Mitigating Circumstances Changes in Funding Determinations Based on the *California Code of Regulations*, Title 5, Section 11963.4(e) for California Virtual Academy San Diego, Crossroads Trade Tech Charter, Northwest Prep Piner Olivet, Options for Youth Hermosa Beach, Options for Youth San Bernardino, Options for Youth Victorville, Opportunities for Learning Baldwin Park, Opportunities for Learning Baldwin Park II, Opportunities for Learning Hermosa Beach and Opportunities for Learning Santa Clarita.

**Type of Action:** Action, Information

- Item 10 Attachment 3
- Accessible Alternate Version (AAV) of Item 10 Attachment 3
- Item 10 Attachment 4
- Item 10 Attachment 5
- Item 10 Attachment 6
- Item 10 Attachment 7
- Item 10 Attachment 8
- Item 10 Attachment 9
- Item 10 Attachment 10
- Item 10 Attachment 11
- Item 10 Attachment 12

**Item 11**

**Subject:** Charter Revocation and Revocation Appeals - Approve Commencement of a Fourth 15-Day Public Comment Period for
Proposed Amendments to California Code of Regulations, Title 5 Sections 11965, 11968.1, 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5, and 11969.1.

Type of Action:  Action, Information

- Item 11 Attachment 1
- Item 11 Attachment 2
- Item 11 Attachment 3
- Item 11 Attachment 4
- Item 11 Attachment 5
  - Accessible Alternative Version (AAV) of Item 11 Attachment 5

***ADJOURNMENT OF DAY’S SESSION***

Public Session

September 8, 2011

Thursday, September 8, 2011 – 9:00 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 SUPERINTENDENT

SPECIAL PRESENTATIONS

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

Item 12 (Revised 30-Aug-2011)

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.  At this meeting, counsel will present training on the Bagley-Keene Open Meeting Act.

Type of Action:  Action, Information

- Item 12 Attachment 1
- Item 12 Attachment 2
- Item 12 Attachment 3
- Item 12 Attachment 4
- Item 12 Attachment 5 (Posted 30-Aug-2011)

Item 13

Subject:  Assessment and Accountability Update, Including, but Not Limited to, Standardized Testing and Reporting Results, California High School Exit Examination Results, and the Accountability Progress Reporting System 2011 Release.

Type of Action:  Action, Information

- Item 13 Attachment 3
- Item 13 Attachment 4
**Item 14**

**Subject:** Annual Report on Dropouts in California.

**Type of Action:** Action, Information

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**Item 15**

**Subject:** Standardized Testing and Reporting Program: Approval of California Modified Assessment Proposed Performance Standards Setting for English-Language Arts in Grade Ten and Eleven and Geometry and to Conduct the Regional Public Hearings.

**Type of Action:** Action, Information

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**PUBLIC HEARING***

A Public Hearing on the following agenda item will commence no earlier than 1:00p.m. on Thursday, September 8, 2011. The Public Hearing will be held as close to 1:00 p.m. as the business of the State Board permits.

---

**Item 16**

**Subject:** California College, Career, and Technical Education Center: Hold a Public Hearing and Consider Revocation Pursuant to Education Code Section 47607(e).

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

***END OF PUBLIC HEARING***

---

**WAIVERS**

Charter School Program (Attendance Accounting for Multi-Track)

**Item W-1**

**Subject:** Request by one county office of education and eight 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:** 16-6-2011, 27-6-2011, 50-6-2011, 1-7-2011, 2-7-2011, 3-7-2011, 5-7-2011, 6-7-2011, and 8-7-2011

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

(Meets Waiver Policy: Charter School ADA: Alternative Calculation Method)

- [Item W-1 Attachment 1](#)
- [Item W-1 Attachment 2](#)
- [Item W-1 Attachment 3](#)
- [Item W-1 Attachment 4](#)
- [Item W-1 Attachment 5](#)
- [Item W-1 Attachment 6](#)
- [Item W-1 Attachment 7](#)
- [Item W-1 Attachment 8](#)
- [Item W-1 Attachment 9](#)
- [Item W-1 Attachment 10](#)
- [Item W-1 Attachment 11](#)

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Charter School Program (Pupil Teacher Ratio)

**Item W-2**
**Subject:** Request by Nevada County Office of Education to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Sections 11704, and portions of 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from a 25:1 to a 27:1 pupil-to-teacher ratio at Twin Ridges Home Study Charter School.

**Waiver Number:** 38-5-2011

(Recommended for APPROVAL WITH CONDITIONS)

(Meets Waiver Policy: Independent Study Average Daily Attendance (ADA)-to-Teacher Ratio)

- Item W-2 Attachment 1

---

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

**Item W-3**

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

**Waiver Numbers:** 24-6-2011, 28-6-2011, and 25-5-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-3 Attachment 1
- Item W-3 Attachment 2
- Item W-3 Attachment 3
- Item W-3 Attachment 4

---

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

**Item W-4**

**Subject:** Request by five districts to waive portions of California Education Code Section 41382, to waive portions of Education Code Sections 41376 (a), (c), and (d) relating to class size penalties for grades one through three. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

**Waiver Numbers:** 2-6-2011, 46-6-2011, 45-6-2011, 31-6-2011, and 47-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-4 Attachment 1
- Item W-4 Attachment 2
- Item W-4 Attachment 3
- Item W-4 Attachment 4
- Item W-4 Attachment 5
- Item W-4 Attachment 6

---

Class Size Penalties (Over Limit on Kindergarten - Grade 3)

**Item W-5**

**Subject:** Request by seven districts, under the authority of California Education Code Section 41382, to waive portions of Education Code Sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to 1 with no class larger than 33. For grades one through three, the overall class size average is 30 to 1 with no class larger than 32.

**Waiver Numbers:** 1-6-2011, 22-6-2011, 43-6-2011, 28-5-2011, 37 6 2011, 11-6-2011, and 30-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-5 Attachment 1
- Item W-5 Attachment 2
Community Day Schools (CDS) (Colocate Facilities and Commingle Grade Levels)

**Item W-6 (Revised 30-Aug-2011)**

**Subject:** Request by Novato Unified School District for a waiver of California *Education Code* Section 48661(a) to permit the collocation of a community day school on the same site as a continuation high school and independent study center.

**Waiver Number:** 21-5-2011

(Recommended for APPROVAL)

(Meets SBE Streamlined Waiver Policy: [SBE Streamlined Waiver Policy](#))

- **Item W-6 Attachment 1**
- **Item W-6 Attachment 2**
- **Item W-6 Attachment 3**

Community Day Schools (CDS) (Colocate Facilities)

**Item W-7 (Revised 30-Aug-2011)**

**Subject:** Request by Shasta Union High School District for a waiver of California *Education Code* Section 48661(a) to permit the collocation of Freedom Community Day School on the same site as Shasta High School, University Prep School, Pioneer High School, and North State Independence High School.

**Waiver Number:** 29-5-2011

(Recommended for APPROVAL)

(Meets SBE Streamlined Waiver Policy: [SBE Streamlined Waiver Policy](#))

- **Item W-7 Attachment 1**
- **Item W-7 Attachment 2**

Community Day Schools (CDS) (Collocate Facilities)

**Item W-8 (Revised 30-Aug-2011)**

**Subject:** Request by Barstow Unified School District for a waiver of California *Education Code* Section 48661(a) to permit the collocation of School of Opportunity, a community day school, on the same site as Central High School, a continuation high school.

**Waiver Number:** 4-6-2011

(Recommended for APPROVAL)

- **Item W-8 Attachment 1**
- **Item W-8 Attachment 2**

Community Day Schools (CDS) (Collocate Facilities)

**Item W-9 (Revised 30-Aug-2011)**

**Subject:** Request by Chico Unified School District for renewal of a waiver of California *Education Code* Section 48661(a) to permit the collocation of Academy for Change Community Day School and the Center for Alternative Learning Opportunity School at the Fair View Continuation School.
Waiver Number: 39-5-2011

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

- Item W-9 Attachment 1
- Item W-9 Attachment 2
- Item W-9 Attachment 3

Community Day Schools (CDS) (Colocate Facilities)

Item W-10 (Revised 30-Aug-2011)

Subject: Request by Palo Verde Unified School District for a waiver of California Education Code Section 48661(a) to permit the collocation of Palo Verde Community Day School on the same site as Twin Palms Continuation High School.

Waiver Number: 34-5-2011

(Recommended for APPROVAL)

- Item W-10 Attachment 1
- Item W-10 Attachment 2

Community Day Schools (CDS) (Commingle Grade Levels)

Item W-11

Subject: Request by Riverdale Joint Unified School District for renewal of a waiver of California Education Code Section 48916.1(d) and portions of Education Code Section 48660 to permit a community day school to serve students in grades five through six with students in grades seven through twelve.

Waiver Number: 26-5-2011

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

- Item W-11 Attachment 1

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

Item W-12

Subject: Request by seven 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).


(Recommended for APPROVAL)

(Meets Waiver Policy: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation)

- Item W-12 Attachment 1
- Item W-12 Attachment 2
- Item W-12 Attachment 3
- Item W-12 Attachment 4
- Item W-12 Attachment 5
- Item W-12 Attachment 6
- Item W-12 Attachment 7
- Item W-12 Attachment 8

Instructional Time Requirement Audit Penalty (Charter - Minimum Instructional Time)

Item W-13
Subject: Request by Aspire East Palo Alto Charter School under the authority of California Education Code Section 47612.6(a) to waive Education Code Section 47612.5(c) the audit penalty for offering less instructional time in the 2007–08 fiscal year at Aspire East Palo Alto Charter School for students in grade seven (shortfall of 24,030 minutes).

Waiver Number: 49-6-2011

(Recommended for DENIAL)

(Meets SBE Streamlined Waiver Policy: SBE Streamlined Waiver Policy)

- Item W-13 Attachment 1

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-14

Subject: Request by King City Union School District to waive California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Del Rey Elementary School and Santa Lucia Elementary School. (Requesting 26.4:1 student ratio on average in core classes in kindergarten, 24.7:1 grade one, 25.1:1 grade two, 28.8:1 grades three and four, and 29.9:1 for grade five at Del Rey Elementary School. Requesting 26.3:1 student ratio on average in core classes in kindergarten, 24.1:1 grade one, 25.9:1 grade two, 28.5:1 grades three and four, and 26.1 for grade five at Santa Lucia Elementary School. Also requesting the following student ratios on average in core classes for the 2011–12 school year at Del Rey Elementary School: kindergarten 20.83, grade one 21.0, grade two 20.50, grade three 20.83, grades four and five 23.0; and Santa Lucia Elementary School kindergarten 23.67, grade one 23.17, grade two 18.67, grade three 21.33, grade four 23.0, and grade five 23.60.)

Waiver Number: 52-4-2011

(Recommended for DENIAL)

- Item W-14 Attachment 1
- Item W-14 Attachment 2
- Item W-14 Attachment 3
- Item W-14 Attachment 4

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-15

Subject: Request by Round Valley 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Round Valley Elementary School (requesting to average class sizes to 20:1 for grades four through eight as opposed to meeting individual grade level class sizes).

Waiver Number: 9-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-15 Attachment 1

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-16

Subject: Request by Sacramento City 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Luther Burbank High School (requesting 18.6:1 ratio on average in grade nine).

Waiver Number: 11-4-2011

(Recommended for APPROVAL WITH CONDITIONS)
Quality Education Investment Act (Money to Follow Identified Students)

**Item W-17**

**Subject:** Request by Los Angeles Unified School District to waive California Education Code Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from San Fernando Middle School and Lincoln High School to follow identified students who will be transferring to San Fernando Institute of Applied Learning and Leadership in Entertainment and Media Arts to ensure that they will not lose the benefits of the Quality Education Investment Act.

**Waiver Number:** 71-10-2010

(Recommended for DENIAL)

- Item W-17 Attachment 1
- Item W-17 Attachment 2

Quality Education Investment Act (Money to Follow Identified Students)

**Item W-18**

**Subject:** Request by Herber Elementary School District to waive California Education Code Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from Herber Elementary School to follow identified students who will be transferring to one new school, Dogwood Elementary School to ensure that they will not lose the benefits of the Quality Education Investment Act.

**Waiver Number:** 36-6-2011

(Recommended for DENIAL)

- Item W-18 Attachment 1

Quality Education Investment Act (Teacher Experience Index)

**Item W-19**

**Subject:** Request by Planada Elementary School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Planada Elementary School (requesting revised goal of 7.8).

**Waiver Number:** 61-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

(Meets SBE Streamlined Waiver Policy: SBE Streamlined Waiver Policy)

- Item W-19 Attachment 1

Quality Education Investment Act (Teacher Experience Index)

**Item W-20**

**Subject:** Request by Bakersfield City School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Jefferson Elementary School and Mt. Vernon Elementary School (requesting revised goal of 6.8 and 7.1, respectively).

**Waiver Number:** 83-2-2011
Quality Education Investment Act (Teacher Experience Index)

**Item W-21**

**Subject:** Request by Chula Vista Elementary School District to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Silver Wing Elementary School (requesting revised target of 5.2).

**Waiver Number:** 22-4-2011

(Recommended for DENIAL)

**Item W-22 General**

**Subject:** Request by Cutler-Orosi Joint Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at El Monte Middle School (requesting revised goal of 5.9).

**Waiver Number:** 126-2-2011

(Recommended for APPROVAL WITH CONDITIONS)

**Item W-23**

**Subject:** Request by Dinuba Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at John F. Kennedy Academy, (requesting revised goal of 6.6, respectively).

**Waiver Number:** 52-3-2011

(Recommended for DENIAL)

**Item W-24**

**Subject:** Request by Dinuba Unified School District to waive portions of California *Education Code* Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Wilson Elementary School and Jefferson Elementary School (requesting revised goal of 7.7 and 7.5, respectively).

**Waiver Numbers:** 53-3-2011 and 54-3-2011

(Recommended for APPROVAL WITH CONDITIONS)
Subject: Request by Los Angeles Unifies School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index, Highly Qualified Teacher requirements, and Williams's settlement agreement requirements under the Quality Education Investment Act, so that the full implementation of these programmatic requirements is not required until 2012–13 at Alain LeRoy Locke Charter High School, Animo Locke #1, Animo Locke #2, Animo Locke #3, and Animo Locke ACE Academy.

Waiver Number: 8-5-2011
(Recommended for DENIAL)

Subject: Request by Mountain Empire Unified School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Clover Flat Elementary School (requesting revised goal of 5.78).

Waiver Number: 37-3-2011
(Recommended for APPROVAL WITH CONDITIONS)

Subject: Request by Petaluma City Elementary School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at McKinley Elementary School (requesting revised goal of 6.48).

Waiver Number: 4-4-2011
(Recommended for DENIAL)

Subject: Request by San Diego Unified School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Mann Middle School (requesting revised target of 5.5).

Waiver Number: 13-5-2011
(Recommended for DENIAL)
Sale or Lease of Surplus Property (Lease of Surplus Property)

**Item W-29**

**Subject:** Request by Norwalk-La Mirada Unified School District to waive all of California *Education Code* Sections 17473 and 17474 and portions of 17466, 17472, and 17475 regarding competitive bidding process for the lease of a surplus property (unused former school property). The district has entered into a long-term lease with Biola University for approximately half of 8.8 acres located at 14540 San Cristobal Drive, La Mirada, and wishes to lease the balance of facility and land using non-competitive bidding.

**Waiver Number:** 48-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-29 Attachment 1

School Construction Bonds (Citizens Oversight Committee - Term Limits)

**Item W-30**

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

**Waiver Number:** 15-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-30 Attachment 1
- Item W-30 Attachment 2

Schoolsite Council Statute (Shared Schoolsite Council)

**Item W-31** *(Revised 30-Aug-2011)*

**Subject:** Request by Surprise Valley Joint Unified under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for four small schools: Surprise Valley Jr/Sr High School, Surprise Valley Elementary School, Surprise Valley Community Day School, and Great Basin Continuation High School.

**Waiver Number:** 37-5-2011

(Recommended for APPROVAL WITH CONDITIONS)

(Meets Waiver Policy: Schoolsite Councils for Small Schools Sharing Common Services or Attendance Areas)

- Item W-31 Attachment 1

Schoolsite Council Statute (Shared Schoolsite Council)

**Item W-32**

**Subject:** Request by Merced County Office of Education under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, allowing one joint schoolsite council to function for Valley Community School, Valley Los Banos Community Day School, Valley Atwater Community Day School, and Merced County Juvenile Hall/Community School.

**Waiver Number:** 14-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-32 Attachment 1

Schoolsite Council Statute (Number and Composition of Members)
Item W-33

Subject: Request by Carpinteria Unified School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Rincon Continuation High School.

Waiver Number: 56-4-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-33 Attachment 1

Schoolsite Council Statute (Number and Composition of Members)

Item W-34

Subject: Request by Carpinteria Unified School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Summerland Elementary School.

Waiver Number: 61-4-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-34 Attachment 1

Schoolsite Council Statute (Number and Composition of Members)

Item W-35

Subject: Request by Kern Union High School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Summit Continuation High School.

Waiver Number: 26-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-35 Attachment 1

Schoolsite Council Statute (Number and Composition of Members)

Item W-36 (Revised 30-Aug-2011)

Subject: Request by Kern Union High School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Central Valley Continuation High School.

Waiver Number: 25-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-36 Attachment 1

Schoolsite Council Statute (Number and Composition of Members)

Item W-37

Subject: Request by Sausalito Marin City School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, allowing one joint schoolsite council to function for two small schools, Bayside Elementary School and Martin Luther King Jr. Academy Middle School.

Waiver Number: 18-5-2011
Schoolsite Council Statute (Number and Composition of Members)

**Item W-38**

**Subject:** Request by Trinity Center Elementary School District under the authority of California *Education Code* Section 52863 for a waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Trinity Center Elementary School.

**Waiver Number:** 7-6-2011

Schoolsite Council Statute (Shared Schoolsite Council with Reduced Number and Composition)

**Item W-39**

**Subject:** Request by Carpinteria Unified School District under the authority of California *Education Code* Section 52863 for a renewal waiver of *Education Code* Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Carpenteria Family School.

**Waiver Number:** 57-4-2011

Special Education Program (Algebra I Requirement for Graduation)

**Item W-40**

**Subject:** Request by California Education Authority (CEA) Headquarters 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 one special education student based on *Education Code* Section 56101, the special education waiver authority.

**Waiver Number:** 42-6-2011

Special Education Program (Algebra I Requirement for Graduation)

**Item W-41**

**Subject:** Request by Castro Valley Unified School District 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 one special education student based on *Education Code* Section 56101, the special education waiver authority.

**Waiver Number:** 41-6-2011
**Item W-42**

**Subject:** Request by Simi Valley Unified School District 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 one special education student based on *Education Code* Section 56101, the special education waiver authority.

**Waiver Number:** 55-3-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-42 Attachment 1

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**Item W-43**

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

**Waiver Number:** 40-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-43 Attachment 1

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**Item W-44**

**Subject:** Request by Coachella Valley Unified 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:** 54-4-2011

(Recommended for APPROVAL WITH CONDITIONS)

(Consent due to meeting *California Code of Regulations, Title 5, Section 3043(d)*)

- Item W-44 Attachment 1

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**Item W-45**

**Subject:** Request by National 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 service for special education students.

**Waiver Number:** 18-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

(Consent due to meeting *California Code of Regulations, Title 5, Section 3043(d)*)

- Item W-45 Attachment 1

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**Special Education Program (Non Public Agency (NPA or School (NPS) Annual Renewal of Certification)**
Subject: Request by Napa Valley Unified School District Special Education Local Plan Area under authority of California Education Code Section 56101 to waive Education Code Section 56366.1(h), the August through October 31 timeline for an annual certification renewal application, for My Therapy Company, a nonpublic agency.

Waiver Number: 62-4-2011

(Recommended for APPROVAL)

(Meets Waiver Policy: Nonpublic School/Agency Certification (Annual Renewal Application Deadline))

- Item W-46 Attachment 1

Subject: Request by Santa Barbara County Local Plan Area under authority of California Education Code Section 56101 to waive Education Code Section 56366.1(h), the August through October 31 timeline for an annual certification renewal application, for The Language Center, a nonpublic agency.

Waiver Number: 23-6-2011

(Recommended for APPROVAL)

(Meets Waiver Policy: Nonpublic School/Agency Certification (Annual Renewal Application Deadline))

- Item W-47 Attachment 1

Subject: Request by Poway Unified School District under the authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Julie Goodwin is assigned to Monterey Ridge Elementary School.

Waiver Number: 3-6-2011

(Recommended for APPROVAL WITH CONDITIONS)

(Meets California Code of Regulations, Title 5, Section 3100(d)(2))

- Item W-48 Attachment 1

Subject: Request by Los Angeles Unified School District for Vaughn Next Century Learning to waive the State Testing Apportionment Information Report and Certification deadline of December 31 in the California Code of Regulations, Title 5, Sections 1225(b)(2)(A) and 11517.5(b)(1)(A) for the California High School Exit Examination and the California English Language Development Test.

Waiver Number: 38-6-2011

(Recommended for APPROVAL)

(Meets Waiver Policy: State Testing Apportionment Informational Report Deadline)

- Item W-49 Attachment 1
- Item W-49 Attachment 2
Item W-50

**Subject:** Request by four 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; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

**Waiver Number:** 8-6-2011, 17-6-2011, 19-5-2011, and 22-5-2011

(Recommended for APPROVAL)

(Meets Waiver Policy: State Testing Apportionment Informational Report Deadline)

- Item W-50 Attachment 1
- Item W-50 Attachment 2
- Item W-50 Attachment 3
- Item W-50 Attachment 4
- Item W-50 Attachment 5
- Item W-50 Attachment 6
- Item W-50 Attachment 7
- Item W-50 Attachment 8
- Item W-50 Attachment 9
- Item W-50 Attachment 10
- Item W-50 Attachment 11

***END OF WAIVERS***

Item 17

**Subject:** Charter Renewal: Adopt Proposed *California Code of Regulations*, Title 5, Sections 11966.4, 11966.5, 11966.6, 11966.7, 11967, and 11967.5.1.

**Type of Action:** Action, Information

- Item 17 Attachment 4
  - Accessible Alternative Version (AAV) of Item 17 Attachment 4

Item 18

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

**Type of Action:** Action, Information

Item 19

**Subject:** Revisions to the *California School Accounting Manual*.

**Type of Action:** Action, Information

Item 20

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

**Type of Action:** Action, Information

Item 21
Subject: Inclusion of Alternative Education Program Accountability Results in the Academic Performance Index – Adopt Amendments to the California Code of Regulations, Title 5, Sections 1039.2 and 1039.3.

Type of Action: Action, Information

Item 22

Subject: Permits to Employ and Work – Adopt Proposed California Code of Regulations, Title 5, Sections 10120.1 through 10121.

Type of Action: Action, Information

Item 23 (Updated 31-Aug-2011)


Type of Action: Action, Information

- Item 23 Attachment 1 (Posted 30-Aug-2011)
- Item 23 Attachment 2 (Posted 29-Aug-2011)
- Item 23 Attachment 3 (Updated 31-Aug-2011)
- Item 23 Attachment 4 (Posted 29-Aug-2011)

Item 24

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: 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: Wednesday, August 31, 2011

California Department of Education
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ITEM 1
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

SUBJECT

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

It is recommended that the State Board of Education (SBE) take the following action:

• Approve Final Statement of Reasons;

• Formally adopt the proposed regulations approved by the SBE at the July 2011 meeting. No amendments or edits have been made to the proposed regulations;

• Direct the California Department of Education (CDE) to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval; and

• Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2011 SBE meeting, the SBE:

• Voted to approve putting forth proposed regulations for a third 15-day public comment period from July 22, 2011, to August 8, 2011, inclusive, in accordance with the Administrative Procedure Act. The current rulemaking file submitted to the OAL will expire on October 1, 2011.

At its April 2011 SBE meeting, the SBE:

• Voted to approve putting forth proposed regulations for a second 15-day public comment period from May 25, 2011, to June 9, 2011, inclusive, in accordance with the Administrative Procedure Act.
SUMMARY OF PREVIOUS (Cont.)

At its February 2011 SBE meeting, the SBE:

• Directed the CDE to convene a group of interested stakeholders to discuss emerging issues and topics resulting from submission of the first petition to a local educational agency (LEA) under the statute.

At its December 2010 SBE meeting, the SBE:

• Approved the proposed changes to the proposed regulations and directed that the proposed changes be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act.

At its September 2010 SBE meeting, the SBE:

• Approved the commencement of the rulemaking process seeking to amend the California Code of Regulations, Title 5 (5 CCR), sections 4800–4808 (inclusive);

• Approved the Notice of Proposed Rulemaking;

• Approved the Initial Statement of Reasons;

• Approved the proposed regulations; and

• Directed the CDE to commence the rulemaking process.

In addition, the SBE added a new section to the beginning of the regulations to read as follows, “It was the intent of the Legislature and remains the intent of the State Board of Education for Parent Empowerment to remain valid in the event of changes to federal law referenced within the legislative language of the Senate Bill X5 4 to the extent allowable under the law.”

SUMMARY OF KEY ISSUES

Parent Empowerment, as set forth in California Education Code (EC) sections 53300–53303, inclusive (SBX5 4 [Romero]), was signed into law on January 7, 2010, and became effective on April 12, 2010. (See Attachment 1.) These provisions provide parents of pupils who are or will be enrolled in a school that is not identified as a “persistently lowest-achieving school” pursuant to EC Section 53201, but is subject to corrective action pursuant to paragraph (7) of Section 1116(b) of the federal Elementary and Secondary Education Act (ESEA [20 U.S.C Section 6301 et seq.]), has failed to make adequate yearly progress (AYP), and has an Academic Performance Index (API) score of less than 800, the option to petition the LEA to implement reform in the school.
SUMMARY OF KEY ISSUES (Cont.)

The options for reform include, and are limited to, the four interventions identified in paragraphs (1) to (4), inclusive, of EC Section 53202(a) and the federally mandated alternative governance arrangement pursuant to section 1116(b)(8)(B)(v) of the federal ESEA (20 U.S.C Section 6301 et seq.).

CDE staff, on behalf of the SBE, held a public hearing on November 17, 2010, from 1:30 to 2:19 p.m. At the public hearing, four participants provided written and oral statements on the proposed regulations. At the close of the public comment period on November 17, 2010, at 5 p.m., a total of 16 public comment submissions were received, with a total of 145 comments.

Upon approval at the December 2010 SBE meeting, CDE staff was directed to circulate the proposed regulations for a 15-day comment period which commenced on December 23, 2010, and ended on January 6, 2011, at 5 p.m. Eleven individuals submitted comments.

Consistent with the SBE’s direction, CDE staff convened a group of interested stakeholders on February 22, 2011. The group discussed emerging issues and topics resulting from submission of the first petition to an LEA under the statute, identified topics in the statute that may benefit from regulatory clarification, and sought to gain an understanding of conflicting points of view regarding the operationalization of the statute. A second meeting of the group was held on March 30, 2011. On that day, the group of interested stakeholders, along with members of the public, discussed the proposed regulations approved by the SBE at its December meeting and rendered suggestions on the substance and format of those regulations.

At its April 2011 SBE meeting, the SBE voted to approve putting forth for public comment the changes proposed by CDE staff, and suggested optional amendments proposed by an SBE Board member and stakeholder groups. CDE staff was directed to circulate proposed regulations for a second 15-day comment period which commenced on May 25, 2011, and ended on June 9, 2011. Nine individuals submitted comments.

At the July 2011 SBE meeting, CDE staff submitted comments and recommendations pertaining to suggested regulatory changes received during the second 15-day public comment period. SBE staff submitted a version of the regulations that included its proposed edits to the regulations which were approved by the SBE. CDE staff was directed to circulate proposed regulations for a third 15-day comment period which commenced on July 22, 2011, and ended on August 8, 2011.

The Parent Empowerment statute is provided as Attachment 1.

The Final Statement of Reasons is provided as Attachment 2 and provides staff responses to all written comments submitted and public hearing statements received, including those received prior to 5 p.m. during the third public comment period, July 22, 2011, to August 8, 2011, inclusive.
SUMMARY OF KEY ISSUES (Cont.)

The proposed revisions to the CCR Title 5, Sections 4800–4808 for Parent Empowerment and resulting from public comment is provided as Attachment 3 These are the same regulations approved by the Board at the July 2011 meeting and put forth for a third 15-day comment period.

The Economic and Fiscal Impact Statement is provided as Attachment 4.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Statement is provided as Attachment 4.

ATTACHMENT(S)

Attachment 1: California Education Code Sections 53300–53303 (1 Page)

Attachment 2: Final Statement of Reasons (144 Pages)

Attachment 3: Proposed California Code of Regulations, Title 5, Sections 4800–4808 (31 pages)

Attachment 4: Economic and Fiscal Impact Statement (4 pages)
California Education Code Sections 53300–53303

53300. For any school not identified as a persistently lowest-achieving school under Section 53201 which, after one full school year, is subject to corrective action pursuant to paragraph(7) of Section 1116(b) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) and continues to fail to make adequate yearly progress, and has an Academic Performance Index score of less than 800, and where at least one-half of the parents or legal guardians of pupils attending the school, or a combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one or more of the four interventions identified pursuant to paragraphs (1) to (4), inclusive of subdivision (a) of Section 53202 or the federally mandated alternative governance arrangement pursuant to Section 1116(b)(8)(B)(v) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), the local educational agency shall implement the option requested by the parents unless, in a regularly scheduled public hearing, the local educational agency makes a finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other options described in this section it will implement in the subsequent school year consistent with requirements specified in federal regulations and guidelines for schools subject to restructuring under Section 1116(b)(8) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) and regulations and guidelines for the four interventions.

53301. (a) The local educational agency shall notify the Superintendent and the state board upon receipt of a petition under Section 53300 and upon its final disposition of that petition.

(b) If the local educational agency indicates in writing that it will implement in the upcoming school year a different alternative governance arrangement than requested by the parents, the local educational agency shall notify the Superintendent and the state board that the alternative governance option selected has substantial promise of enabling the school to make adequate yearly progress as defined in the federally mandated state plan under Section 1111(b)(2) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

53302. No more than 75 schools shall be subject to a petition authorized by this article.

(b) A petition shall be counted toward this limit upon the Superintendent and state board receiving notice from the local educational agency of its final disposition of the petition.

53303. A local educational agency shall not be required to implement the option requested by the parent petition if the request is for reasons other than improving academic achievement or pupil safety.
FINAL STATEMENT OF REASONS
Parent Empowerment

UPDATE OF INITIAL STATEMENT OF REASONS

The originally proposed text was made available for public comment for at least 45 days from October 2, 2010, through November 17, 2010. A public hearing was held on November 17, 2010 at the California Department of Education. The comment period ended at 5:00 p.m. on November 17. A total of sixteen letters, consisting of approximately 145 comments on various issues, were received during the 45 day comment period and at the public hearing. Pursuant to Government Code sections 11346.9(a)(3) and (a)(5), California Department of Education (CDE) staff, on behalf of the SBE, has summarized and responded to those comments as follows:

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF OCTOBER 2, 2010, THROUGH NOVEMBER 17, 2010, INCLUSIVE

COLIN MILLER, California Charter Schools Association

Comment: We suggest adding language that if a charter petition submitted under this section is denied by the district, the petitioners retain their appeal rights under the charter schools act.

Reject: While the Parent Empowerment statutes specifically contemplate that petitioners may request and LEAs may implement the restart model, nothing in these statutes suggests there is an appeal process if a restart model is not implemented. These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

Comment: To avoid confusion and conflict, we suggest revising the timelines in the regulations for a public hearing and board action on a parent empowerment petition so that they are fully aligned with the timelines in EC 47605 related to charter petition approval.

Accept: Section 4802.2(c) is amended to read:

(c) The governing board of the school district shall hold the public hearing to approve or deny the charter pursuant to Education Code section 47605(b) concurrently with the public hearing required pursuant to Education Code section 53300. Upon the receipt of a petition that requests a restart model as an intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options as set forth in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter
management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code sections 47605(b) through (h), (j)(1) and (l).

Comment: Finally, we suggest that the regulations clarify that after approval, charter schools established through Parent Empowerment should be treated the same as all other charters approved under EC 47605 in regards to facilities, funding, and all other issues.

Accept: Section 4802.2(e) is amended to read:

(e)(d) A charter school established by a parent empowerment petition, once approved, shall be subject to all of the provisions of law that apply to other conversion charter schools comply with the admission requirements for an existing public school converting partially or entirely to a charter school specified in Education Code section 47605(d)(1) and shall admit all pupils who reside within the former attendance area of the subject public school.

KEN BURT, California Teachers Association

Comment: Proposed Regulation Section 4800 is to arguably announce the legislative intent. This is not clear on the statute. This is over reaching, since it is for the legislature to announce its intent, not an administrative body, in the alternative, the intent is in the statute, and there is no necessity for this proposed regulation.

Accept: Section 4800 is amended to read:

It was the intent of the Legislature and remains the intent of the State Board of Education (SBE) for The Parent Empowerment provisions shall to remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010, Senate Bill X5-4 to the extent allowable under the law.

Comment: Proposed Regulation Section 4889.1(a) defines an eligible signature. This appears contrary to California Law. California law in the case of dissolutions (divorce was the less politically correct term) also known as family law appears to be ignored if not violated has a tremendous impact. While there is some variation, a low estimate for the California Divorce rate appears to be between 50 to 52%. Also, some say as high as one third of the children are born to parents who are not married. The point being, this regulation attempts to run roughshod over parental rights. Except in cases of where the court has awarded exclusive legal custody to one parent over the other, both parents have legal custody. This includes the right to decide where the child goes to school. Therefore, where both parents have legal custody, both have the right to make the decision. Clearly if one would want to sign the petition, and the other objected it would hardly be right to count a signature which in this case does not legally represent the right(s) of both parents.

Reject: The section quoted by Mr. Burt, section 4899.1(a), does not coincide with the definition of signature in section 4800.1 Definitions (b). It does appear, however, that
he is referring to section 4801(c) Petition Signatures where it is stated that "only one parent or legal guardian per pupil may sign a petition." The argument does not provide a recommendation for different regulatory language and the definition in the regulation interprets the statute in a manner that fairly and efficiently implements the statute.

**Comment:** Proposed Regulation Section 4801(e) over reaches in a rule that the persons signing do not need to sign with the address, city and zip code. The district has an obligation to check out these petitions to prevent fraud, and other improper conduct. A clear statement that this information will not be used for any other purpose to verify the petition should take care of any concern, even though it is beyond the scope of the authority to make this regulation.

**Reject:** Information requested in section 4801(d) sufficiently enables verification of petitioners against fraud.

**Comment:** Proposed Regulation Section 4801(h) is over reaching. This is a case where too much regulation, is too much regulation. If petition gatherers are to be regulated then they should not be allowed to puff, or make promises, or false representations to induce signatures. The general clause to protect the petition gatherers is beyond the scope, and not necessary. Even an unnecessary regulation should be fair. That is everyone should be free from threats and intimidation, including persons who wish to assemble by persons circulation petitions to exercise their free speech rights, to urge other parents not to sign the petitions, including parents, teachers, administrators, school board members, and even politicians.

**Reject:** Section 4801(h) is necessary to prevent undue influence, or the appearance thereof, on parents, guardians and petition gatherers. Extending protection from threats and intimidation to other groups of persons may not be necessary.

**Comment:** Proposed Regulation section 4802(b) should add the requirement here and elsewhere that all parents sign under the penalty of perjury to prevent fraud and or abuse-"I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that my signature on the petition was executed on date-(Month, day and year) at location __________, California.

**Reject:** This section refers to the content of the petition and to establish whether signatures shall be counted from parents or legal guardians of pupils attending the subject school or the signatures of parents or legal guardians of pupils attending the subject school and attending elementary or middle schools who would normally matriculate into the subject school and not the action of the petition signers. In any event, such a requirement would not serve to effectuate the intent of the statutes.

**Comment:** Proposed Regulation Section 4801(1) has been deleted without explanation… that has been selected by a rigorous review process. Clearly there needs to be some kind of reasonable quality control, or oversight of substandard snake oil salesman. It appears that this section should at least return the deleted section.

**Reject:** It appears that the section this comment refers to is section 4802(i) which is "Content of the Petition" and does not refer to the charter review process.
Commenter's suggestion is unnecessary as language requiring a rigorous review process remains in sections 4802.2 and 4804.

**Comment:** Proposed Regulation Section 4802.1(e) is too restrictive on Districts. Districts have an obligation to properly investigate whether parents are eligible to sign the petitions, including but not limited to verification of signatures.

**Accept:** Section 4802.1(e) is now section 4802.1(f) and is amended to read:

(f)(e) *In connection with the petition, the LEA may only contact parents or legal guardians to verify eligible signatures on the petition.*

**Comment:** Section 4902.1(f) - the time line is too short, and attempts to create a default.

**Accept:** Section 4802.1(f) is now 4802.1(g) and is amended to read:

(g)(f) *Upon receipt, the LEA may, within 20 25 business days, return the petition to the person designated as the contact person as specified in section 4802(c), if the LEA determines any of the following:*

**Comment:** Section 4802.1(f)(3) attempts to shift and change the standard to the standard granting the petition of meeting the requirements to substantially meeting the requirements, whatever that means, which is undefined.

**Reject:** The language in Section 4802.1(f)(3) is necessary to prevent petitions from unfairly being rejected based upon minor technicalities and frustrating the intent of the Parent Empowerment statutes.

**Comment:** Section 4802.1(g) the timeline is too short and not reasonable based upon facts and circumstances. This is another attempt to over reach, and work a default on school districts. This is neither intended nor set forth in the law.

**Accept:** Section 4802.1(i) (formerly section 4802.1(g)) is amended to read:

(i)(g) *If the LEA does not return the petition pursuant to subdivision (g)(f), the LEA shall have 45 business days from the date the petition is received to reach a final disposition. The date may be extended by an additional 20 business days if the LEA and the person listed in section 4802(c) agree to the extension in writing.*

**Comment:** Section 4802.1(h) the time lines are too short, and attempt to shift the burden of proof, and standard for responding to the petition. This is a clear example to over reaching, similar to an earlier concern raised by Senator Joe Simitian – see letter below: (Note: Letter has been omitted.)

**Reject:** Section 4802(j) [formerly Section 4802(h)] contains timelines that SBE believes are sufficient to provide for notification to the SSPI and the SBE of the receipt and status of a petition.

**Comment:** Section 4802.2 Charter Schools – all sections over-reach, and does not comply with the intent and letter of the Parent Empowerment law.
a. Proposed Regulation Section 48292.2(a) Please note-47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition.

The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

There is no statutory authorization or authority to side step the other sections of the education code regarding conversation and or start up charters. 

Reject: Section 48292(a) does not exist so SBE is unsure as to the exact nature of this comment. However, assuming the comment is referring to Section 4802.2(a), the comment is rejected. These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

Comment: Section 48292.2(b) There is no authority for setting aside the requirements of education codes.

47605.(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will within the geographic boundaries of than school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation."
“47605(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.”

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (b) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition has been signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

Reject: Section 48292(b) does not exist so SBE is unsure as to the exact nature of this comment. However, assuming the comment is referring to Section 4802.2(b), the comment is rejected. These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

Comment: Section 48292.2(c). There is no authority for requiring the charter petition at the same time as the procedures with the education code section 53300.

Ed code provides “47605(d)(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission to pupils who reside within the former attendance area of that public school.”

However there is no link for indicating by filing a parental empowerment petition that a person is otherwise excused from a separate act to follow the above section of the education code. In fact it can be argued with more force that Ed. Code 47605(d) (2) (A) applies.

“(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 Section 47614.5 Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.”

Reject: Section 48292(c) does not exist so SBE is unsure as to the exact nature of this comment. However, assuming the comment is referring to Section 4802.2(c), the comment is rejected. These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

Comment: Section 4808. The impact and or application of these regulations including the prospective effect of these regulations is a matter of law, and not of a regulation which is without authority and clarity.

Reject: The SBE has adopted rules and regulations that are consistent with the laws of this state pursuant to Education Code section 33031 since the SBE has authority to clarify the prospective effect of these regulations.

KAREN CARDIERO-CAPLAN, Californians Together

Comment: 4800. The parent petition provisions in Ch. 3, Statutes of 2010 (SBX5 4) are linked specifically to the four turnaround strategies currently required under federal law. If those strategies should change in federal law, parents should maintain the power to petition their school boards to use different turnaround strategies. Recommend eliminating this section.

Accept in Part and Reject in Part: Accept in that reference to legislative intent is deleted. Reject in that the entire section is not deleted. Section 4800 is amended to read:

It was the intent of the Legislature and remains the intent of the State Board of Education (SBE) for the Parent Empowerment provisions shall to remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010, Senate Bill X5 4 to the extent allowable under the law.

Comment: Section 4800.1. (b)Definitions. (page 1, line 24) Section 53300 of Ch. 3, Statutes of 2010 specifically states “…at least one half of the parents or legal guardians of pupils attending the school, or a combination of at least one half of the parents or legal guardians of pupils attend the school…” shall be able to sign the specified petition. Proposed language should reflect the law.

Recommendation: (page 1, line 24) Language in this section should reflect language in the aforementioned statute regarding who can sign the petition. It should also be clarified that we are talking about only parents or legal guardians of pupils attending
the schools can sign the petition. Therefore, the language "or a combination of at least one half of the parents or legal guardians of pupils attending the school...". **Reject**: Language suggested is otherwise set forth in Section 4801(a).

**Comment: Section 4800.1(l)** - (page 3, lines 7-11) The definition proposed for “Cannot implement the specific recommended option” means an LEA is unable to implement the intervention requested by parents in the petition and “**has a compelling interest to support such a finding**”. We believe this wording goes beyond what is required by statute. **Reject**: The term “compelling interest” is used to refer to its plain meaning and is not meant to refer to the constitutional standard that courts may invoke with respect to a governmental restriction on constitutional rights and, pursuant to Section 33031, the SBE has adopted rules and regulations that are consistent with the laws of this state.

**Comment**: Section 53302(b) of Ch. 3, Statutes of 2010 specifically states that an LEA is not required to implement the option requested by the parent petition if the request is for reasons other than improving academic achievement or pupil safety. However, reference to these reasons are not provided in this section nor in the other proposed provisions of the regulations.

Recommendation: Add language to this section stating that an LEA is not required to implement a parent petition “if the request is for reasons other than improving academic achievement or pupil safety.” **Reject**: Language already exists in Education Code section 53303 that an LEA is not required to implement a parent petition “if the parent petition is for reasons other than improving academic achievement or pupil safety” and therefore it is unnecessary to duplicate it in regulation.

**Comment: Section 4800.5** - (page 3, lines 13-27) This notice is key to a well understood policy and procedures of the parent empowerment provisions. It is critical that this notice and associated procedures is understood by all parents. Notices regarding the parent petition, the public hearing and the opportunity to provide input should be in the language that parents and community members understand so that they can participate effectively in the petition process and in the school turnaround process.

Recommendation: Include (page 3, line 28) specific reference to the language notification requirements in Education Code section 48985. This education code section requires that any written communication to parents be in the primary language spoken at home, where 15% or more of the student population enrolled in a public school speaks a primary language other than English. Additionally, public hearings or meetings held on parent empowerment (policies and procedures) should make translation available for non-English speaking parents of students in schools slated for turnaround.

**Accept**: Section 4800.5 is amended to read:
This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

**Comment:** Section 53202 (b) of Ch. 2, Statutes of 2010 (SBX5 1) requires that prior to the selection of one of the four intervention the governing board of the LEA must hold two hearings, with at least one of hearings to be held at the school site for the express purpose of seeking input from stakeholders (staff, parents and the community) regarding the option or options most suitable for the applicable school or schools in its jurisdiction. The proposed parent notice regulation does not provide for hearings nor input from stakeholders. Again, the most meaningful parent engagement occurs when parents are provided with sufficient information to make informed choices about their children, their education and their schools. The parent empowerment provision would be significantly strengthened if public hearings were held at the affected school site informing parents of the petition option and providing information about the allowable turnaround strategies that can be initiated by a successful petition process.

**Recommendation:** Add another paragraph (or add a new subsection to Section 4802.1) contained in Section 53202 (b) requiring the governing board of an LEA to hold at least 2 public hearings for the purpose of notifying staff, parents and the community of the designation and to seek input from staff, parents, and the community regarding the option or options most suitable for the applicable school or schools in its jurisdiction. At least one of those public hearings should be held at a regularly scheduled meeting on the site of a school deemed persistently lowest-achieving.

**Reject:** Unlike Education Code section 53202 which specifically requires public hearings, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statutes require that any hearings or meetings be held by the LEA nor precludes the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

**Comment:** Section 4801(h). This subsection allows LEAs /parents to use “signature gatherers” in obtaining parent signatures for the specified petitions. We believe this subsection goes over and beyond what is required in SBX5 4 and SBX5 1. These statutes do not explicitly provide for the use of signature gatherers. Additionally, the purpose of the parent empowerment provisions is to actively engage parents in this petition process. Hiring signature gatherers to obtain parent signatures is counter to the purpose of this entire exercise! It makes no sense.

**Recommendation:** Eliminate subsection (h) of Section 4801.

**Reject:** There is no authority in this statute to prohibit hiring signature gatherers. Moreover, the U.S. Supreme Court has held that wholesale prohibition of paid signature gatherers is an impermissible burden on free speech. Meyers v. Grant.
(1988) 486 U.S. 414. However, the following language has been added to section 4802(j):

(j) The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.

Comment: Section 4802.1(h) Verification of Petition Signatures & Obligations of the LEA (pg 8, lines 1-9) Ch. 3, Statutes of 2010 (SBX5 4) Sections 53300 and 53303 specify what LEAs need to do regarding signed petitions, the disposition of these petitions and which alternative governance arrangement has been requested and rationale. We believe that the LEA, in addition to informing the SBE and the Superintendent, should also inform the parents in writing, within 10 days of submission of petitions, the reason why their recommended option could not be implemented as well as the rationale to the alternative governance arrangement selected.

Recommendation: Insert language that requires the LEA to provide in writing the reasons for not implementing their recommended option and the reasons for the alternative governance arrangement, to the “contact” person specified in section 4802(a).

Reject: This recommendation goes beyond the scope of the statutes. Education Code section 53300 states only that an LEA must make a finding in writing at a regularly scheduled public hearing if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement.

Comment: Sections 4802.2(a), (b), (c), and (d) .Charter Requirements for Parent Empowerment Petitions (pg 8, lines 19-31 & page 9, lines 1-13). This section is added to clarify that, when a parent empowerment petition requests that a school be converted to a charter school is circulated for signatures, the proposed charter for the school must accompany it. The language also clarifies that it is not necessary to collect signatures for a charter petition in addition to the signatures for the parent empowerment petition.

Upon further review and discussion with our members late this afternoon, our initial recommendation on this section as presented by our legislative advocate earlier this afternoon has changed. We believe this section exceeds what is required in existing law (SBX5 4 and SBX5 1) and circumvents the legislative process by establishing another option/approach for the establishment of a charter school.

Recommendation: Eliminate this section.

Reject: These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.
Moreover, section 4802.2 has been amended to clarify that an LEA must first act on the requested intervention model, and if the Restart Model is approved, at that point, the LEA must follow provisions in Education Code section 47605(b) through (h) and subdivisions (j)(1) and (l). Section 4802.2(c) is amended to read:

(c) The governing board of the school district shall hold the public hearing to approve or deny the charter pursuant to Education Code section 47605(b) concurrently with the public hearing required pursuant to Education Code section 53300. Upon the receipt of a petition that requests a restart model as intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l) with the exception that the timelines set forth in Education Code section 47605(b) do not begin until 25 business days after the petition was received.

JOYCE DILLARD

Comment: Section 4802(i) - How is due process served without a public hearing and selection process?

Accept: Assuming that the commenter is referring to a public hearing and selection process when a petition seeks to implement the restart model and requests that a school be reopened as a charter school, language in Section 4802.2(c) has been added to require that the LEA conduct a rigorous review process as required by Education Code section 53300 and Section 4804.

Comment: Section 4802.1(a) - How are “reasonable efforts” defined. It can be a robo-process like the mortgage industry. Eligible students should be identified as a basis of fact finding.

Accept: For clarification purposes, section 4802.1(b) (formerly subdivision (a)) is amended to read:

(b)(a) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.
**Comment: Section 4802.1(b)** - The time limit of the submission date should be available for the public and petitioners to verify for the 45-day limit.

**Reject:** Section 4802(b) establishes the continued status of the subject school and not the specific required timelines. However, LEAs must notify the SSPI and SBE with 10 business days of receipt of a petition. This information will be available on the CDE Parent Empowerment Web page.

**Comment: Section 4802.1(f)** - The Parents/Legal Guardians need to know the status of the petition. A notice should be published and the LEA post the notification on the website. The California Department of Education should also supply a website category for these petitions and their status.

**Reject:** Pursuant to Section 4800.5, an LEA may identify and notify parents of a website containing information on parent empowerment petition process but doing so or providing other notifications once a petition is filed is not mandatory as requiring such notification may be beyond the scope of the statute. Also, while the CDE will maintain a Parent Empowerment Web page on its website, this Web page may not be able to track the specific status or timeline of each petition, it will reflect if a petition has been submitted to the CDE and the final disposition of each submitted petition.

**Comment: Sections 4802.1(f) and (g)** - All steps of the process should be easily available to the public.

**Accept in Part and Reject in Part:** Accept in that information will be available on the CDE Parent Empowerment Web page. Section 4800.5 is amended to read:

*... This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition. This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also and informing parents and legal guardians of pupils how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the best option for the school...*

Reject for the reasons set forth in the comment above.

**Comment: Section 4803** - The LEA is still in charge, yet there has been some failure in operations. There is no room for Parents/Legal Guardians to have input and voice over management. There is no required review of any management or labor contracts to see any failures in governance that were negotiated by the LEA. That failure can repeat, even in this model.

**Reject:** Models are specified in statute and, pursuant to Education Code section 53300, the LEA is ultimately responsible for choosing and implementing the specific intervention option.
**Comment: Section 4806** - The LEA is still in charge, yet there has been some failure in operations. There is no room for Parents/Legal Guardians to have input and voice over management. There is no required review of any management or labor contracts to see any failures in governance that were negotiated by the LEA. That failure can repeat, even in this model

**Reject:** Models are specified in statute and, pursuant to Education Code section 53300, the LEA is ultimately responsible for choosing and implementing the specific intervention option.

**Comment:** The only Parent Empowerment is their signature on a petition. They are not included in management decisions. If they did not vote for the Board of Education member, then the choice is even more limited. There is no procedure anticipated for continued failure. There is no guidance given on public health and safety issues, which may affect the governance of the schools. There is no process to change any Labor/Management contracts

**Reject:** Management relations and labor contracts are beyond the scope of this statute.

**BILL RING, TransParent®**

**Comment:** Petition gatherers who are paid - or otherwise compensated - should be required to be identified as such - frankly, the notion that individuals or organizations would pay signature gatherers for a parent petition is inconsistent with the spirit of this law, in my opinion.

**Accept:** Section 4802(j) is added to read:

> (j)The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.

**Comment:** If we are going to give this law better odds of success, then I think that we must lift the cap on the limit of strategies parents may choose. The ones identified in the proposed regulations are consistent with federal law, which may change and may limit parent empowerment in the future if the law is tied too closely to current options in federal law.

**Reject:** Strategies or interventions are identified in the Education Code. It is impossible to anticipate future changes in state or federal statute.

**ZELLA KNIGHT, San Fernando Valley resident, LAUSD**

**Comment:** Proposed section 4800 should be deleted. There is no legislative intent language in the underlying statute cited, Senate Bill x5. We support the empowerment of parents to petition the school boards they elected to change the ways their local schools are run. The parent petition provisions in SBx5 4 are linked specifically to four turnaround strategies currently required under federal law. If those strategies should change in federal law, parents should maintain the power to petition their school boards to use different turnaround strategies.
Accept in Part and Reject in Part: Accept in that section 4800 has been amended to delete the language referring to legislative intent:

It was the intent of the Legislature and remains the intent of the State Board of Education (SBE) for The Parent Empowerment provisions shall to remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010, Senate Bill X5-4 to the extent allowable under the law.

Reject in that it is impossible to anticipate changes in state or federal statute.

Comment: Proposed section 1800.5 should be expanded. The proposed regulations reference section 1116(b)(1)(e) of the Elementary and Secondary Education Act (ESEA) as the basis for providing parents with notice of the parent petition process. That section is directed at schools slated for school improvement because they are identified as "persistently lowest-achieving." Accordingly, these regulations should also require the LEA to provide parents and guardians of all students enrolled in a school in restructuring planning or status with notice of their rights under Ed. Code section 53202(b) to public hearings or participation. We propose adding the following:

The notice shall include the requirement that the LEA must hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the school. At least one of those public hearings shall be held on the site of a school deemed persistently lowest-achieving.

Reject: Unlike Education Code section 53202 which specifically requires public hearings, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statutes require that any hearings or meetings be held by the school or the LEA nor precludes the school or the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

Comment: Add regulations clarifying Education Code section 4800.5 regarding parental notice by LEAs. There should be specific reference to the language notification requirements in Education Code section 48985, which mandate that any written communication to parents be in the primary language spoken at home, where 15% or more of the student population speaks that primary language. Notices regarding the parent petition right and the public hearing and input right should be in the language that parents and community members understand so that they can participate effectively in school turnaround process.

Accept: Section 4800.5 has been amended to read:
This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

**Comment:** Further, public hearings or meetings should make available translation for non-English speaking parents of students in schools slated for turnaround.

**Reject:** As set forth above, nothing in the Parent Empowerment statutes requires that public hearings or meetings be held and Ed. Code section 48985 only applies to notices and other written communication from the school or the LEA.

**Comment:** Add regulations regarding Parental Notice in section 4800.5 to allow LEAs to identify community based organizations that are engaging parents about school turnaround participation. The proposed regulations allow LEAs to inform parents about the petition option for school turnaround and to “also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes and informing parents how they may sign a petition requesting the school district to implement one or more interventions to improve the school.” Similarly, LEAs should also be allowed to inform parents about working with community based organizations on school turnaround. This authority should be specifically stated, similar to the regulation language currently proposed: “informing parents how they may contact community based organizations or work with individual school administrators and parent and community leaders to understand the school turnaround options and provide input about the best option for the school, including a meeting at the school site.”

**Accept:** Section 4800.5 is amended to read:

“. . . the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also and informing parents and legal guardians of pupils how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the best option for the school. . .”

**Comment:** Amend regulations regarding charter requirements for parent petitions. The petition should specifically state: This petition is to convert _____ school to a charter school and your signature will be used as support for establishing _____ school as a charter school. Because charter schools have long been available in California since _____, parents may not understand that it is one of the four turnaround options in federal law called “restart.”

**Accept in Part and Reject in Part:** Accept in that section 4802(i) has been amended to reflect the request that a petition for a restart intervention model that makes a specific request for a school operator or organization explicitly state so in the petition. Request in that the exact language suggested is not adopted. Section 4802(i) (formerly subdivision (h)) has been amended to read:
A request to an LEA to implement the restart model intervention identified pursuant to paragraph (2) of subdivision (a) of Education Code section 53202 may also request that the subject school be reopened under a specific charter school operator, charter management organization or education management organization and, if so, that information must be clearly stated on the front page of the petition that has been selected by a rigorous review process.

MARGARITE NOTEWARE, California School Boards Association

Comment: Section 4800.1. The California School Boards Association continues to support an expansion of the definition of “parents or legal guardians of pupils” to include foster parents, but also those persons holding the right to make educational decisions for pupils as delineated in Education Code section 56028. Many foster parents do not have the authority to make educational decisions for the children in their care. If the Board feels expanding the definition is beyond their authority, we ask that a legislative remedy be sought as soon as possible.

Accept: Section 4800.1(h) has been amended to read:

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

Comment: Section 4801. Education Code Section 53300 reads, “…where at least one-half of the parents or legal guardians of pupils attending the school, or a combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle school that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local education agency to implement one of the four interventions identified pursuant to…” However, section 4801(a) reads “…A petition may not consist solely of signatures of parents or legal of pupils attending only the elementary or middle schools that normally matriculate into a subject middle or high school.” The statute and regulation are inconsistent and unclear. The regulations do not help clarify the statute by define “one-half” of the parents or guardians and omits the language entirely.

Reject in part and Accept in part: Reject in that section 4801(a) does not conflict with the statute as the petition must either contain signatures of parents of pupils from the subject school or a combination of parents of pupils attending the subject school and matriculating school, so that it may not solely contain signatures of parents of pupils from the matriculating schools. Accept in that section 4802.1(e) (formerly subdivision (d)) has been amended to further clarify the one-half requirement:

(e)(d) If a petition has sought signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school, then for purposes of calculating whether at least one-half of the parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted
have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school and the parents or legal guardians of pupils attending the elementary or middle schools who would normally matriculate into the subject school at the time the petition is submitted to the LEA shall be counted. Where pupils attend elementary or middle schools that normally matriculate into more than one subject school, only those pupils attending the subject school and those pupils that normally matriculate, as defined in section 4800.1(g), into the subject school, shall be counted in calculating whether at least one-half of the parents or legal guardians of pupils have signed the petition. There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement.

Comment: The proposed regulations delineate that petition signers may optionally share their address. With such limited information on the petition, it will be challenging for school districts to validate school enrollment for the purposes of signature verification, particularly for those students who attend a matriculating school in a different district.

Reject: Information requested in section 4801(d) sufficiently enables verification of petitioners against fraud.

Comment: The California School Boards Association is very concerned that the proposed regulations do not include provisions prohibiting the payment or compensation of signature gatherers.

Reject: There is no authority in this statute to prohibit hiring signature gatherers. Moreover, the U.S. Supreme Court has held that wholesale prohibition of paid signature gatherers is an impermissible burden on free speech. Meyers v. Grant (1988) 486 U.S. 414. However, section 4802(j) has been amended to read:

(j) The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.

Comment: While we strongly support the proposed language in section 4801(h), it is troubling that these expectations are not reciprocal. Without these safeguards in place, the Associations is worried that special interest groups may try to unfairly influence parents through the petition preparation and signature gathering process.

Reject: Language in section 4801(h) provides safeguards for all interested parties.

Comment: Section 4802. This section of proposed regulations contradicts itself with the earlier section 4800.1(h) and the definition of “parents or legal guardians of pupils.” As written in 4800.1(h), this definition does not include education rights holders. However, for the purposes of the petition’s heading, the definition is inexplicably broadened to include these individuals. In order to avoid confusion in the field and to help facilitate the best educational outcomes for children in foster care, we
recommend that the definition in 4800.1(h) be expanded to include the provisions delineated in Education Code 56028.

Accept: Sections 4800.1(h) (formerly subdivision (e)) and 4802(a) have been amended to read:

**4800.1. (h)** “Parents or legal guardians of pupils” means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Welfare and Institutions Code section 361 or 727 or Education Code sections **56028 or 56055**, including foster parents who hold rights to make educational decisions.

4802. (a) A heading which states that it is a Petition of Parents, Legal Guardians, and Persons Holding the Right to Make Educational Decisions for Pupils, Including Foster Parents who hold rights to make educational decisions to request implement an Intervention be implemented at the specified subject school and to be submitted to a specified LEA;

Comment: Given the State Board of Education’s preference for including the four intervention models from the federal Race to the Top program verbatim in the implementation of this Act, it is unclear why the Restart Model is altered by these proposed regulations. It is particularly unclear why a petition for this intervention model may include a request the subject school be reopened under a specific charter school operator, charter management organization or educational management organization. The California School Boards association recommends that the regulations do not deviate from the federal definitions.

Reject: Language in the regulations does not change the content of the restart model.

Comment: In section 4802.1(a) the California School Boards Association requests that the term “reasonable efforts” be defined in section 4800.1 so that both petitions signers and school districts may have a shared understanding of the scope of effort school districts must make to verify signatures.

Accept: Clarifying language is added to section 4802.1(b) (formerly section (a)) to read:

**(b)(a)** Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

Comment: The intent of this Act was to empower parents to request change in their students’ school if that school had chronically underserved its students. However, if a
school has made academic gains significant enough to remove its eligibility as a subject school for the purposes of this Act, it is unreasonable to continue this classification solely because the petition process had begun. Continuing to label a school as failing when it has improved school-wide student achievement is gratuitous and unfair to the students, families, teachers and school staff that have work to change the trajectory of achievement at that school. We request that 4802.1(b) be removed from the final regulations.

Reject: Schools who make AYP subsequent to the submission of a petition are still considered a school in Program Improvement and are subject to the provisions of federal statute related to the specific year of program improvement.

Comment: If LEAs may only contact parents to verify signatures, how can LEAs verify where the students attend school as stated in (e)? This will be of particular importance for the students matriculating into the subject school from within or outside the district. LEAs must be granted the authority to check with parents where students are enrolled. In addition, if it is the intent of the SBE that LEAs shall confirm enrollment with district schools and adjacent school districts this must be explicitly stated in the final regulations.

Accept: Section 4802.1(b) (formerly subdivision (a)) has been amended to read:

(b)(a) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

Comment: While the California School Boards Association agrees that providing a timeline for the petition process is helpful for both parties, we request that section (f) be extended to 45 business days. Although districts have a total of 45 days to reach a final disposition, this section suggests that districts may have to complete all of the signature validation within a much shorter window of time. Validating petition signatures will be a laborious process for school districts, for which neither additional monetary or staffing resources are expected to be provided by the state. For sites with large student populations, districts will need sufficient time to carefully validate the enrollment of pupils listed on the petition, parent/guardian relationship with the student and duplicative signatures. If the signatures are not valid, then the parents who actually attend or intend to attend the school will be having their own rights violated by individuals or organizations with ulterior motives. This would be complete violation of the sentiment of “parent empowerment.”

Reject: Timelines deemed to be sufficient for any verification process, although the timeline has been extended from 20 to 25 business days. Section 4802.1(g) (formerly subdivision (g)) has been amended to read:
(g) Upon receipt, the LEA may, within 20-25 business days, return the petition to the person designated as the contact person as specified in section 4802(c), if the LEA determines any of the following:

1. One half of the parents or legal guardians of pupils meeting the requirements of section 4801(a) have not signed the petition;
2. The school named in the petition is not a subject school; or
3. The petition does not substantially meet the requirements specified in section 4802. In such a case the LEA shall immediately provide the contact person written notice of its reasons for returning the petition and its supporting findings.

Comment: Therefore, districts need to be provided with sufficient time to verify the signatures to protect the rights of those who were intended to be empowered by the statute.

Reject: LEAs may contact parents only to verify signatures, however, section 4802.1(b) (formerly subdivision (a)) has been amended to help LEAs verify enrollment of pupils.

(b) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

Comment: Section 4802.2. For petitions that concurrently include a charter school petition, we strongly believe the requirement to meet sections of Education Code should be expanded from 47605(b) to include 47605(b-g). Those sections of Education Code absent from the proposed regulations include noteworthy components of the petition such as: the charter school shall meet all statewide standards and conduct required pupil assessments: shall consult with parents and teachers regarding the school’s educational programs on a regular basis; shall provide information regarding proposed operation and potential effects of the school; and delineate admissions policies. Education Code section 47605(b-g) includes critical safeguards for students, parents and school district alike: and we can find no justification for leaving these important requirements out of the charter petition process. It would be irresponsible of the SBE to allow incomplete charter petitions, pursuant to this Act to move forward in the approval process.

Accept: Section 4802.2(c) has been amended to read:

(c) The governing board of the school district shall hold the public hearing to approve or deny the charter pursuant to Education Code section 47605(b) concurrently with the public hearing required pursuant to Education Code section 53300. Upon the receipt of a petition that requests a restart model as
intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l) with the exception that the timelines set forth in Education Code section 47605(b) do not begin until 25 business days after the petition was received.

**Comment:** As implied in section 4802.2(d) of the proposed regulations, subject school that implement the restart model will become conversion charters. A petition requirement of a conversion charter school is that fifty percent of teachers sign the petition – a requirement we believe must also be included in the final regulations for the implementation of this Act.

**Reject:** These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

**Comment: Section 4804.** Proposed section 4804 exceeds the scope of the Board’s authority and imposes a reimbursable mandate on local agencies. Section 4804, as specified in the Federal Register (74 PR 65618.65619), allows an LRA to convert a school or close and reopen a school under a charter school operator, a charter management organization, or an education management company. The regulations do not define the term “rigorous review process” but if it is a process that is to be performed by the LEA, then such a process is a reimbursable state mandate since that requirement is not in the implementing statute or federal requirements.

**Reject:** Section 53300 provides that one of the intervention models that may be requested and implemented is the restart model, as referenced in Ed. Code section 53202, and further described in the Federal Register. Section 4804 implements the definition found in the Federal Register. Section 4802.2(c) has been amended to include a reference to section 4804 and the rigorous review process described in the federal register.

4802.2(c) . . .[the LEA] must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605 subdivisions (b) through (h), (j)(1) and (l)...

*LIZ GUILLEN, Public Advocates, Inc.*
**Comment:** Section 4800. “Although there is no explicit legislative intent language in the underlying statute cited . . . we support this proposed regulation.”

**No Response Necessary**

**Comment:** Regulations should not limit parents’ rights to the four turnaround strategies currently required under federal law. If those strategies should change in federal law, parents should maintain the power to petition their school boards to use different turnaround strategies.

**Reject:** The four intervention models are specified in Education Code section 53300. There is no way to anticipate changes in state or federal statute.

**Comment:** Proposed section 4800.5 (regarding Parental Notice) should be complete. The proposed regulations reference Public School Choice section 1116(b)(1)(E) of the Elementary and Secondary Education Act (ESEA, 20 U.S.C. Sec. 6301) as the basis for providing parents with notice about the parent petition process requesting one of four turnaround strategies. Because this section of the ESEA is directed at schools slated for school improvement, these Parent Empowerment regulations should also require the LEA to provide parents and guardians of all students enrolled in a school in restructuring planning or status with notice of their rights under California Education Code section 53202 (b) to public hearings and participation. Section 53202(b) was enacted as part of California’s Race to the Top legislation, SBx5 1. It requires school boards to hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the school. It also requires at least one of those public hearings to be held at a regularly scheduled meeting and at least one of the public hearings shall be held on the site of the school. This language should be included in the regulations for Parent Empowerment so that the rules for parent engagement in all school turnaround processes and decisions are in one place. We propose the following amendment between lines 21 and 22, page 3:

... specific intervention pursuant to Education Code section 53300. The notice shall include the requirement that the LEA must hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the school. At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest-achieving. This notice may also identify...

**Reject:** Education Code sections 53300 through 53303 do not mandate a public hearing unless an LEA makes a finding in writing stating the reason it cannot implement the specific recommended option. This written finding must take place during a regularly scheduled public hearing.

**Comment:** Add regulations clarifying Education Code section 4800.5 (regarding parental notice by LEAs). There should be specific reference to the language notification requirements in Education Code section 48985, which mandate that any
written communication to parents be in the primary language spoken at home, where
15% or more of the student population speaks that primary language. Notices
regarding the parent petition right and the public hearing and input right should be in a
language that parents and community members understand so that they can
participate effectively in the school turnaround process. Further, public hearings or
meetings should make available translation for non-English speaking parents of
students in schools slated for turnaround.

Accept in Part and Reject in part: Accept in that section 4800.5 has been amended
to read:

. . . This notice, and any other written communication from the school or the
LEA to parents or legal guardians of pupils, must meet the language
requirements of Education Code section 48985.

Reject in that nothing in the Parent Empowerment statutes requires that public
hearings or meetings be held and Ed. Code section 48985 only applies to notices and
other written communication from the school or the LEA.

Comment: Add regulations (regarding Parental Notice in section 4800.5). The
proposed regulations allow LEAs to inform parents about the petition option for school
turnaround and to “also identify a web site at which the LEA may list the schools in
the district subject to the provisions of the Parent Empowerment statutes and
informing parents how they may sign a petition requesting the school district to
implement one or more interventions to improve the school.” Similarly, LEAs should
be allowed to inform parents about working with community based organizations on
school turnaround. This authority should be specifically stated at line 25:

“and informing parents how they may contact community based organizations
or work with individual school administrators and parent and community
leaders to understand the school turnaround options and provide input about
the best option for the school, including a meeting at the school site.”

Accept: Section 4800.5 has been amended to read:

. . . This notice may also identify a web site at which the LEA may list the
schools in the district subject to the provisions of the Parent Empowerment
statutes, including enrollment data and attendance boundaries for each school.
The web site may also inform parents and legal guardians of pupils how
they may sign a petition requesting the school district to implement one or
more interventions to improve the school and how they may contact
community-based organizations or work with individual school administrators
and parent and community leaders to understand the school intervention
options and provide input about the best option for the school. . .

Comment: Add language to section 4801(e) regarding petition signature forms. This
regulation should require petition signature forms to include language under the
space for the signer’s address, city or unincorporated community name, and zip code,
which states: “This information is voluntary. You may sign the petition without providing this information.”

**Accept:** Section 4801(e) has been amended to read:

(e) The petition boxes referenced in subdivision (d) must be consecutively numbered commencing with the number 1 for each petition section. The boxes described in subdivision (d) may also have space for the signer’s address, city or unincorporated community name, and zip code, or request other information and if so, the petition shall make clear that providing such information is voluntary, and cannot be made a condition of signing the petition.

**Comment:** Add regulations to section 4801 that require the petition to be made available in the primary languages of parents as pursuant to Education Code section 48985, which requires that any written communication to parents be in the primary language spoken at home, where 15% or more of the student population speaks that primary language.

**Reject:** The petition is generated by parents or legal guardians of pupils attending the school(s) and not an LEA or school. As such, it is not subject to Education Code section 48985.

**Comment:** Amend section 4801(h) to require a disclosure of whether signature gatherers are paid. The practices identified in proposed subsection (h) should include whether signature gatherers are paid by the organizations sponsoring the petition or on the basis of the signatures they acquire. Whether a signature gatherer is paid for gathering signatures on a school turnaround petition is a legitimate consideration for a potential signer.

**Accept:** Section 4802(j) has been amended to read:

(j) The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.

**Comment:** Amend section 4801(h) to prohibit individuals or organizations from paying signature gatherers for a parent petition. Public Advocates opposes this practice. The school turnaround process must be parent- and community-driven. This practice conflicts with the democratic governance of our public schools.

**Reject:** There is no authority in this statute to prohibit hiring signature gatherers. Moreover, the U.S. Supreme Court has held that wholesale prohibition of paid signature gatherers is an impermissible burden on free speech. Meyers v. Grant (1988) 486 U.S. 414. In addition, section 4802(j) has been added to read:

(j) The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.
**Comment:** Amend section 4802.2 (regarding charter requirements for parent empowerment petitions) to specifically state:

“This petition is to convert _____ school to a charter school and your signature will be used as support for establishing _____ school as a charter school.”

Because charter schools have long been available in California, parents may not understand that it is one of the four turnaround options in federal law called “restart.” Charter schools have certain flexibility under the California Education Code and parents should understand that they may be giving up certain rights because of that flexibility.

**Accept In Part and Reject in part:** Accept in that section 4802(i) has been amended to reflect the substance of the comment. Reject in that different language is used than that suggested. Section 4802(i) has been amended to read:

(i)(h) A request to an LEA to implement the restart model intervention identified pursuant to paragraph (2) of subdivision (a) of Education Code section 53202 may also request that the subject school be reopened under a specific charter school operator, charter management organization or education management organization and, if so, that information must be clearly stated on the front page of the petition that has been selected by a rigorous review process.

**ED AVILA, ALLIANCE FOR A BETTER COMMUNITY**

**Comment:** “ABC urges you to make certain parents have access to accurate enrollment numbers and attendance boundaries of their children’s schools. . .”

**Accept:** Section 4802.1(a) has been added to read:

(a) An LEA must provide, in writing, to any persons who request it, information as to how the LEA intends to implement section 4800.1(g) as to any subject school and any normally matriculating elementary or middle schools, including providing enrollment data and the number of signatures that would be required pursuant to section 4802.1(e).

**Comment:** “. . . ABC urges you to inform parents at eligible schools of their rights under the Parent Empowerment law.”

**Accept:** Section 4800.5 has been amended to read:

. . .Program Improvement Year 4 or later, is given pursuant to federal law the LEA shall provide the parents and guardians of all pupils enrolled in a school in restructuring planning or restructuring status with notice that the school may be eligible for a parent empowerment petition to request a specific intervention pursuant to Education Code section 53300. This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition. This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. . .
Comment: ABC urges you to continue to strengthen provisions of the regulations that ensure each parent vote is counted.
Accept: Section 4802.1(b) (formerly subdivision (a)) has been amended to read:

(b)(a) An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

ERIC LEE, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE
Comment: Although there is already good language ensuring that foster children still have representation, we urge the Board to take a closer look at the issue and consider further language that will ensure full and fair representation of foster children in the Parent Trigger process, especially those in group homes or other challenging situations.
Accept: Section 4800.1(h) (formerly subdivision (e)) has been amended to read:

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

Comment: The regulations should explicitly allow parents to continue turning in Parent Trigger signatures even after the formal petition has been turned in, up until the point that the district acts on the petition.
Accept in Part and Reject in Part: Accept in that the proposed regulations permit the petition to be resubmitted with additional signatures if rejected for particular reasons but reject in that signatures cannot be submitted separately from the petition. Section 4802.1(h) has been added to read:

(h)(g) If the petition is returned pursuant to section 4802.1(g), the same petition may be resubmitted to the LEA with additional signatures as long as no substantive changes are made to the petition. If substantive changes are made to the petition, it must be recirculated for signatures before it may be resubmitted to the LEA.

Comment: Although these regulations already make it clear that any charter conversion through the Parent Trigger must continue to accept all the same students at the school, the next draft should clarify that any school model that is implemented must continue to accept every single student that previously attended the school. Parents, LEAs, and other stakeholders should firmly understand that the Parent Trigger can never be used to “push out” any group of students, and that any Parent Trigger-led transformation will benefit all students currently at the school
Accept: Section 4800.3 has been added to read:

§ 4800.3. Requirement to Serve All Pupils.
Every pupil that attended a subject school prior to the implementation of an intervention shall continue to be enrolled in the school during and after an intervention is implemented pursuant to Education Code section 53300, unless the parent or legal guardian of the pupil chooses to enroll the pupil in another school or the school is closed. In addition, any pupil who resides in the attendance area of the subject school during or after the implementation of an intervention has a right to attend the school, subject to any laws or rules pertaining to enrollment.

**Comment:** These regulations must make it absolutely clear that no signatures or approvals from any other party is required for parents to exercise any one of the Parent Trigger options, including charter conversion, beyond what is already required in the law.

**Accept:** Section 4802.2(b) has been amended to read:

(b) The signatures to establish a charter school pursuant to Education Code sections 47605(a)(1) through (3) and 47605(b)(3) will not be required if the petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization otherwise meets all of the requirements of Education Code section 53300.

**SHERRY SKELLY GRIFFITH, ASSOC. OF CALIF. SCHOOL ADMINISTRATORS**

**Comment:** Section 4800. We question the legal grounds to proclaim intent to retain these regulations as it relates to interventions stemming primarily from a federal voluntary grant program which California is not a participant. Further there is no guarantee ESEA will have the same accountability requirements or interventions in the future. The Parent Empowerment Act “trigger” is predicated on those schools that receive Title I and they are always required to follow federal law when receiving those funds. These regulations should not be predicated on a voluntary grant program but only upon federal and state statute.

**Accept in Part and Reject in Part:** Reject in that the Parent Empowerment provisions operate under current statutes Education Code sections 53300 through 53303. There is no ability to foresee potential changes in future state or federal statutes. Accept in that section 4800 has been amended to delete the reference to legislative intent and reads:

It was the intent of the Legislature and remains the intent of the State Board of Education (SBE) for The Parent Empowerment provisions shall to remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010, Senate Bill X5 4 to the extent allowable under the law.

**Comment:** 4800.1 (d) The definition of high school should not include junior high schools. Junior high schools are typically grades 7-9. You address matriculation under middle schools.

**Accept:** Section 4800.1(d) (formerly subdivision (b)) has been amended to read:
(d)(b) “High school” means four-year high schools, junior high schools, senior high schools, continuation high schools, and evening schools.

**Comment: 4800.1 (e)** This section cites again a voluntary federal grant program which California did not win. Predicating state and local mandates on a voluntary grant program with specific requirements is unsound policy and lacks substance if any petition is challenged. State statute should clearly stipulate the actual interventions. The statute does not. This section of law is flawed and should be returned to the Legislature for revision.

**Reject:** Education Code section 53300 specifies the intervention models. The SBE has adopted rules and regulations consistent with the laws of the state pursuant to Education Code section 33031.

**Comment: 4800.1 (g)** – This section does not address matriculation from a K-6 or K-8 elementary to a high school district which is not tied to or required to accept students from a particular K-6 or K-8 elementary district. In other words this section addresses unified districts but is not workable for separate elementary and secondary districts that do not have transfer or boundary obligations.

**Accept:** Subdivision (g) has been amended to read:

(g) “Normally matriculate” means the typical pattern of attendance progression from an elementary school to a subject elementary school, from an elementary school to a subject middle school or from a middle school to a subject high school, as determined by the LEA(s) pursuant to established attendance boundaries, policies or practices.

In addition, section 4802.1(b) (formerly subdivision (a)) has been amended to read:

(b)(a) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

**Comment: Section 4800.1 (k)(1) -** What about future “persistently lowest-achieving” school lists beyond the March 11, 2010 list? How is that addressed?

**Reject:** There is no current plan to identify future 5% lowest achieving schools.

**Comment: Sections 4800.1(k)(2) & (3) -** If ESEA reauthorization changes or eliminate the corrective action process how do these regulations address that? How will LEAs be held accountable to a law that changes to meet fiscal requirements and the agreements forged under a petition?
Reject: Regulations pertain to current California statutes. There is no way to address future changes in state and federal statute.

Comment: Regarding AYP is it in one subgroup, all subgroups, school wide, participation rate, the API growth percentage, graduation rates? This will become a living nightmare without clarity. We recommend school wide only.

Reject: AYP is considered in its entirety.

Comment: What if AYP is eliminated within the next two years during ESEA reauthorization?

Reject: Regulations pertain to current California statutes. There is no way to address future changes in state and federal statute.

Comment: Section 4800.1(k)(4) The Public School Accountability Act will sunset in 2013. This means the API may no longer exist. How will this be addressed in regulations? Is the intent cited in 4800 supposed to hold LEAs accountable to a system that no longer exists as well as to voluntary grant program interventions that may not exist? What if the API score goes over 800 in the next year and that is the only criteria used to trigger the right to a petition?

Reject: Regulations pertain to current California statutes. There is no way to address future changes in state and federal statute.

Comment: Section 4800.1 (l). Using the term “compelling interest” is a legal standard that exceeds the authority provided in this statute. Education Code section 53300 requires only the making of “…a finding in writing stating the reason it cannot implement the specific recommendation option…” We oppose use of this term and request it be stricken.

Reject: The term “compelling interest” is intended to refer to its plain meaning and is not meant to refer to the constitutional standard that the courts may invoke with respect to a governmental restriction on constitutional rights.

Comment: Section 4800.5 - Parental Notice. Lines 14-23 are appropriate however lines 24-25 exceed statute and therefore exceed the authority of the state to promulgate regulations. LEAs are not required to go beyond informing parents of 1) identification of the school as a Parent Empowerment school and, 2) informing parents of their statutory right to circulate and sign a petition. Lines 24-25 are unnecessary. Once you inform parents the LEA should not participate in how to sign a petition beyond the legal information provided by statute and regulations.

Reject: Lines 24-25, “… and informing parents how they may sign a petition requesting the school district to implement one or more interventions to improve the school. . . .” pertain to permissive action that may be taken by the LEA, but is not required.

Comment: Section 4801. What constitutes an appropriate “combination of signatures of parents?” Could it be 99% (of the 50%) from a matriculating school and just 1 percent (of the 50%) from the school of residence parents? How are the rights of
parents in the residence school protected if most, if not all, of the signatures come from a matriculating school? Who protects those rights?

Reject: Section 4802.1 has been amended to provide clarifying language regarding one half of required signatures.

(e)(d) . . . There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement.

Comment: Section 4801(c). We continue to oppose vesting signature rights with only one parent. This denies all legal guardians of their rights under this Act. It will likely invite legal challenges and should be eliminated without merit or direct nexus to the Parent Empowerment statutes.

Reject: Petition signatures are to represent the pupil, not parents or legal guardians of the pupils. This is intended to implement the statute fairly and effectively. The SBE has adopted rules and regulations that are consistent with the laws of this state pursuant to Education Code section 33031.

Comment: Section 4802. Content of the petition. (a) We support adding foster parents however it should read “foster parents who hold education rights” for the student. In some cases child welfare will hold those rights and in other cases it may a group home provider or foster family parent.

Accept: Section 4800.1(h) (formerly subdivision (e)) has been amended to read:

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

In addition, section 4802(a) has been amended to read:

(a) A heading which states that it is a Petition of Parents, Legal Guardians, and Persons Holding the Right to Make Educational Decisions for Pupils, Including Foster Parents who hold rights to make educational decisions to request Implement an Intervention be implemented at the specified subject school and to be submitted to a specified LEA;

Comment: Section 4802(c) - To ensure transparency regarding the signature gathering lead person(s) we recommend the following amendments:

(c) The name, and public contact information of the person, whether they are a parent at the school or schools or if they are affiliated with the school or local education agency including their title or occupation if any. If they are with an outside agency or organization that shall also be listed as part of the contact information. This will allow interested persons or the LEA to contact the petitioner(s).

Accept in Part and Reject in Part: Accept in that the proposed regulations have been amended to require disclosure of the affiliation of any person or organization supporting the circulation of a petition but reject in that they have not been amended
in the exact manner suggested by the commenter. Section 4802(j) has been added to read:

(j) The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.

Comment: Section 4802(d). Content of the Petition. We recommend the following amendment:

(d) A description of the requested intervention using all of the language set forth in either sections 4803, 4804, 4805 or 4807. No language shall be omitted to ensure full disclosure of the impact of the intervention.

Accept: Section 4802(e) (formerly subdivision (d)) has been amended to read:

(e)(d) A description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807, without omission to ensure full disclosure of the impact of the intervention;

Comment: (i) Why is the language regarding a “rigorous review process” deleted? This is required by statute. We recommend the following amendment:

(i) A request to the LEA to implement the restart model intervention identified pursuant to paragraph (2) of subdivision (a) Education Code section 53202 may also request that the subject school be reopened under a specific charter school operator, charter management organization or education management organization. The petitioner shall describe the rigorous review process used to select the operator or organization and affirm they will meet all application charter school laws of the State of California.

Accept in Part and Reject in Part: Accept in that the proposed regulations are amended to refer to the rigorous review process required if a restart model is requested but rejected in that the language proposed by the commenter has not been incorporated. Section 4802.2(c) has been amended to read:

(c) The governing board of the school district shall hold the public hearing to approve or deny the charter pursuant to Education Code section 47605(b) concurrently with the public hearing required pursuant to Education Code section 53300. Upon the receipt of a petition, that requests a restart model as intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options as set forth in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and
timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l) with the exception that the timelines set forth in Education Code section 47605(b) do not begin until 25 business days after the petition was received.

Comment: Section 4802.1(a). What determines “reasonable efforts” to verify signatures? This should be described.
Accept: Section 4802.1(b) (formerly subdivision (a)) has been amended to read:

(b)(a) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

Comment: 4802.1(b) We strongly oppose holding a school that has exited Program Improvement to interventions just because the petition process has not been completed. No school exiting Program Improvement should be subject to mandates or changes once they have proven academic growth under the current state and federal requirements. This is legally a highly questionable amendment to the regulations.
Reject: A school must meet AYP goals two in succession to exit Program Improvement. If a school meets AYP for one year, it is still subject to Program Improvement mandates pursuant to 20 U.S.C. Section 6316(b).

Comment: 4802.1(h) “Compelling interest” is a legal standard and is not required under this statute. We recommend striking this and sticking with what is allowed in statute which is to state the reason in writing and designating other options. This insertion exceeds the state’s statutory authority.
Reject: The term “compelling interest” is intended to refer to its plain meaning and is not meant to refer to the constitutional standard that the courts may invoke with respect to a governmental restriction on constitutional rights.

Comment: Section 4802.2 Charter Requirements. (b) We question the authority to waive EC Section 47605 (a) (1) and 47605(b)(3) of the charter school statutes.
Reject: Pursuant to Education Code section 53300, the school shall implement the option requested, and the signatures of parents or legal guardians of pupils attending the school(s) shall be sufficient to implement a requested model if they meet the specified one-half threshold. Moreover, these regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative
intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

ROBERTA FURGER, PEOPLE IMPROVING COMMUNITIES THROUGH ORGANIZING

Comment: We support the intent to maintain the Parent Empowerment provisions regardless of changes to federal law. However, we believe that if the allowable turnaround options are modified under the federal School Improvement Grant guidelines, then parents should have the right under these provisions to petition for use of the new turnaround strategies, as well.

Reject: The Parent Empowerment provision operates under current statute Education Code sections 53300 through 53303. There is no ability to foresee potential changes in future state or federal statutes.

Comment: For this new option to be meaningfully and consistently exercised, parents and guardians must have access to detailed information about all aspects of the petitioning process, written in nonregulatory language and available in the primary language spoken and read in the home. We therefore recommend the following changes and additions related to parental notification and availability of information be made to the regulations:

The California Department of Education will be responsible for creating and making available on its web site a list of all schools eligible for the Parent Empowerment provision. The Web site will also include detailed information, written in non-regulatory language, (such as a frequently asked questions section) on the Parent Empowerment provisions, including, but not limited to, the allowable turnaround options, the process for circulating a petition, and the process and timeline for review. The Web site will also include the name and contact information of the CDE staff person responsible for oversight of the Parent Empowerment regulations.

Accept in Part and Reject in Part: Accept in that the proposed regulations have been amended to require LEAs to notify parents of CDE’s web site for obtaining information pertaining to circulating a parent empowerment petition. Reject in that the proposed regulations do not mandate what information will be provided on the website. Section 4800.5 has been amended to read:

…This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition. This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also and informing parents and legal guardians of pupils how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the best option for the school. This notice, and
any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

**Comment:** We recommend the CDE web address, along with the name and contact information of the CDE staff person responsible for oversight, must be included in the letter to parents/guardians.

**Accept in Part and Reject in Part:** Accept in that the web site address will be listed and people can refer to that web site for further information. Reject in that there is no need to mandate a particular contact name. Section 4800.5 has been amended to read:

...This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition...

**Comment:** We recommend each district with schools eligible for the Parent Empowerment provision will be responsible for posting a list of eligible schools on its Web site. Districts will also be required to identify a staff person responsible for oversight of the Parent Empowerment provision. Letters to parents/guardians shall include the district Web address, as well as the name and contact information for the local district employee responsible for oversight.

**Reject:** The language regarding an LEA Web site is permissive; however the notice to parents must include information on CDE’s web site address for parents to obtain further information on parent petitions. Section 4800.5 has been amended to read:

...the LEA shall provide the parents and guardians of all pupils enrolled in a school in restructuring planning or restructuring status with notice that the school may be eligible for a parent empowerment petition to request a specific intervention pursuant to Education Code section 53300. This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition. This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also inform parents and legal guardians of pupils and how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the best option for the school, including a public meeting at the school site. This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

**Comment:** The Parent Empowerment regulations should include a reference to the language notification requirements in Education Code section 48985, which mandate
that any written communication to parents be in the primary language spoken at home, where 15% or more of the student population speaks that primary language.

**Accept:** Section 4800.5 has been amended to read:

...This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

**Comment:** As part of the process for turning around the state’s lowest performing schools, districts are now required to hold two public hearings, including one at the school site that has been identified for “turn around.” We believe this same model should be followed for the Parent Empowerment provision in order to ensure that all parents and guardians have the opportunity to learn about the provision and its implications for their students and school. This information is invaluable -- both for parents/guardians who may be interested in exercising this right, as well as for those who may be asked to sign a petition. We therefore recommend the regulations be amended to require informational meetings and to require that the district letter to parents/guardians include the date, time, and location of the relevant public meetings.

**Reject:** Pursuant to Education Code section 53300, the only public hearing required under this statute is when the LEA cannot implement the specific recommended option and designates in writing which of the other options it will implement. Requiring the LEA’s to provide informational meetings and letters to parents/guardians that include the date, time, and location of the relevant public meeting is outside the scope of the statute.

**GABE ROSE, PARENT REVOLUTION**

**Comment:** In California, there are a fair number of K-2 elementary schools which serve as feeder schools for K-5 or 3-5 elementary schools. If taken literally, however, the current draft of regulations seems to preclude parents at such a K-2 school from participating as feeder school parents in the transformation of their future K-5 or 3-5 school. Specifically, it defines an elementary school as any school that matriculates into a middle or high school, and defines “normally matriculate” as “the typical pattern of attendance progression from an elementary school to a subject middle school” (Sections §4801.1 (a) and (g)). Because the clear intent of the law was to allow feeder school parents to participate in the transformation of child’s current or future school, these regulations should be amended to explicitly acknowledge the possibility of elementary schools serving as feeders into other elementary schools.

**Accept:** Sections 4800.1(a) and (g) have been amended to read:

(a) “Elementary school” means a school, regardless of the number of grade levels, whose graduates matriculate into either a subject elementary, middle or high school.

(g) “Normally matriculate” means the typical pattern of attendance progression from an elementary school to a subject elementary school, from an elementary school to a subject middle school or from a middle school to a subject high school, as determined by the LEA(s) pursuant to established
attendance boundaries, policies or practices.

Comment: In section 4800.1(h), the regulations define what “parent or legal guardians of pupils” means. Throughout the remainder of the regulations, however, just the phrase “parents or legal guardians” in its place. To avoid losing any meaning, we recommend using the full phrase throughout the regulations.

Accept: The language throughout the regulations has been amended to reflect the requested consistency.

Comment: It is impossible for parents to organize and get signatures representing half the students if they don’t actually know the exact denominator, aka the current student enrollment at any given time. The current draft of regulations wisely clarified that students enrollment in a school is the denominator, and signatures must represent no less than half the students. LEAs should be required to publish current enrollment figures for every Parent Trigger eligible school on their website, and required to accurately answer parents who inquire about current enrollment numbers. Additionally, they should be required to publish attendance boundary maps for every school on their website and provide it to any parent who requests it. Many schools throughout California have either very large and/or non-contiguous attendance boundaries, and parents cannot organize themselves without knowing where all students at a school are actually coming from. For this law to be meaningful and empowering, parents must have access to this sort of basic information.

Accept: Sections 4802.1(a) and 4800.5 have been amended to read:

(a) An LEA must provide, in writing, to any persons who request it, information as to how the LEA intends to implement section 4800.1(g) as to any subject school and any normally matriculating elementary or middle schools, including providing enrollment data and the number of signatures that would be required pursuant to section 4802.1(e).

4800.5.

. . . This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also and informing parents and legal guardians of pupils how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the best option for the school. This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

Comment: To further empower parents, schools should be required to provide space for parents interested in using the Parent Trigger to use school facilities to meet and discuss their efforts. Parents should be provided space, at no cost, that leaves them
free from any intimidation and allows them to work together and collaborate on their efforts.

Reject: Requiring the LEAs to provide school facilities, at no cost, is outside the scope of the statute.

Comment: However, the specific timelines and rules should be tailored so that they fit into and do not conflict with existing charter law and LEAs obligations under it. Accordingly, we would recommend changing the time allowed to respond to the Parent Trigger and charter petitions to 60 calendar days to match the requirements in charter law (regs currently give 45 business days as window), so that an LEA absolutely must act on the two petitions simultaneously.

Reject: The Parent Empowerment statutes provide that an LEA is presented with a petition requesting one of the intervention options and must implement one of the options unless it cannot do so and, if so, must set forth its reasons in writing as to why it cannot do so. If the petition seeks restart as an intervention option and further requests that the school be converted to a specific charter operator, charter management organization or educational management organization, then many of the provisions of Education Code section 47605 are incorporated but the LEA must determine the intervention model first and, if the intervention model is a restart, then it must act to approve or deny the particular charter requested. Nevertheless, section 4802.2(c) has been amended to provide that the timelines set forth in Education Code section 47605 to conduct the rigorous review process do not begin until either 25 business days after the petition containing a charter proposal has been received or, when a proposal is not attached to a petition and the LEA seeks proposals, until a charter proposal has been received.

Comment: Logistics regarding submission of petitions: Parents should be explicitly allowed to continue submitting signatures from additional parents pertaining to a given petition which has already been submitted up the LEA formally verifies the existence of sufficient signatures or lack thereof within the 20 day window described in the current draft of regulations. Any petition that is rejected for insufficient number of signatures can be re-submitted at any time with additional signatures or other material changes that make it more likely to successfully the reach the needed threshold.

Reject: Section 4802.1(h) (formerly subdivision (g)) has been amended to read:

> (h)(g) If the petition is returned pursuant to section 4802.1(g), the same petition may be resubmitted to the LEA with additional signatures as long as no substantive changes are made to the petition. If substantive changes are made to the petition, it must be recirculated for signatures before it may be resubmitted to the LEA.

Comment: Section 4802.1(b) should be amended to strike “by the LEA,” instead reading “If, on the date the petition is submitted, a school is identified pursuant to section 4800(k), it shall remain a subject school until final disposition of the petition” to allow for the possibility of litigation, appeals, or other factors that could take decision making power out of the hands of an LEA.

Reject: Final disposition is defined by the actions taken by the LEA.
Comment: For reasons of precision and clarity, it seems though Section 4802.1(f)(1) should be amended to read “One half of parents or legal guardians of pupils meeting the requirements of Section 4801(a).

Accept: Section 4802.1(g)(1) (formerly subdivision (f)(1)) has been amended to read:

(g)(f) Upon receipt, the LEA may, within 20 25 business days, return the petition to the person designated as the contact person as specified in section 4802(c), if the LEA determines any of the following:
(1) One half of the parents or legal guardians of pupils meeting the requirements of section 4801(a) have not signed the petition;

Comment: In order to empower parents and their efforts, LEAs should be required to conduct their signature verification processes based on parental intent, and not disqualify signatures from parents based on technicalities (simple spelling mistakes, reversing first and last names, etc.)

Accept: Section 4802.1(b) (formerly subdivision (a)) has been amended to read:

(b)(a) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.

Comment: The current draft of regulations have important language clarifying that any school transformation involving a charter school continue to accept all students within the attendance boundary. (Section 4802.2(d)) Although it is strongly implied by the nature of the law, this stipulation should be explicitly expanded to apply to any transformation model chosen by parents. Parents, LEAs, and other stakeholders should be extremely clear that the Parent Trigger can never be used to “push out” any group of students, and that any Parent Trigger-led transformation will benefit all students currently at the school.

Accept: Section 4800.3 has been added to read:

4800.3. Requirement to Serve All Pupils.
Every pupil that attended a subject school prior to the implementation of an intervention shall continue to be enrolled in the school during and after an intervention is implemented pursuant to Education Code section 53300, unless the parent or legal guardian of the pupil chooses to enroll the pupil in another school or the school is closed. In addition, any pupil who resides in the attendance area of the subject school during or after the implementation of an intervention has a right to attend the school, subject to any laws or rules pertaining to enrollment.
**Comment:** In order to more accurately reflect the language and intent of the Parent Empowerment law, Section 4802.2. (b) should be amended to read “The signatures to establish a charter school pursuant to Education Code sections 47605(a) and 47605(b)(3) will not be required if the petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization meets all of the requirements of Education Code section 53300.” As this section already acknowledges, the Parent Empowerment provision explicitly gives parents a new power to transform their school into a charter school, and this section should accurately characterize their legal power to do so.

**Accept:** Section 4802.2(b) has been amended to read:

(b) The signatures to establish a charter school pursuant to Education Code sections 47605(a)(4) and 47605(b)(3) will not be required if the petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization otherwise meets all of the requirements of Education Code section 53300.

**Comment:** Additionally, these regulations should clarify that after approval, a Parent Trigger created charter should be treated the same way as any other conversion charter in regards to facilities, funding, and all other issues. The current draft of regulations explicitly state that they are required to serve the entire attendance boundary rather than admit by application and lottery, and the next draft should explicitly extend all rights and responsibilities of a typical conversion charter to Parent Trigger-led conversions.

**Accept:** Section 4802.2(e) (formally subdivision (d)) has been amended to read:

(e)(d) A charter school established by a parent empowerment petition, once approved, shall be subject to all of the provisions of law that apply to other conversion charter schools comply with the admission requirements for an existing public school converting partially or entirely to a charter school specified in Education Code section 47605(d)(1) and shall admit all pupils who reside within the former attendance area of the subject public school.

**Comment:** In section 4802.2(b), in order to be more precise, it seems as though the language should read “…will not be required if the petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization otherwise meets all of the requirements of Education Code section 53300.”

**Accept:** Section 4802.2(b) has been amended to include the word “otherwise.”

**Comment:** The current draft contains very important language that prohibits LEAs from overruling the choice of parents unless they literally cannot implement it. LEAs do, however, currently have latitude to reject charter petitions for a much broader set of reasons left entirely up their discretion. This inadvertently leave open the possibility for a circular argument where an LEA who simply does not want to accept the
parents’ choice of the restart model could reject the attached charter petition, and then reject the Parent Empowerment petition on the basis of their own rejection of the charter petition. The simple solution – which reconciles an LEA’s authority to make decisions on charter petitions with the language and intent of the Parent Empowerment provision – is to stipulate that a charter petition must have the opportunity to go through all levels of appeals (aka the appropriate county boards of education and the State Board of Education) before a Parent Empowerment petition can be rejected on the basis of charter petition rejection. 

**Reject:** The Parent Empowerment statutes provide that an LEA is presented with a petition requesting one of the intervention options and must implement one of the options unless it cannot do so and, if so, must set forth its reasons in writing as to why it cannot do so. It is clear from the statute that no “appeal” lies from an LEA’s decision to implement a different intervention option.

**Comment:** LEAs should therefore be required to act both in good faith and in compliance with the timelines set forth in these regulations in order to facilitate that goal. LEAs should be prohibited from deliberately skirting timelines and using stall tactics to disempower parents and keep them from receiving the change they petitioned for in the subsequent school year, as required by this law. 

**Reject.** Timelines are provided in regulatory language and LEA’s are required to follow them.

**JO A. S. LOSS, CALIFORNIA PTA**

**Comment:** California State PTA believes that the intervention models described in those sections are written in language that is neither meaningful nor accessible to most parents. Parents need access to clear, concise information that is straightforward, unbiased and not couched in education terms with opportunities for more detail as requested.

**Accept In Part and Reject in Part:** Accept in that language has been added to Section 4800.5 requiring the notice to parents to provide a web site address for CDE to obtain more information on circulating a parent empowerment petition and further provides that the LEA may provide information on their website concerning how parents may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the different models and provide input about the best option for the school. In addition, this Section is amended to require that the notice and any other written communication from the school or LEA meet the language requirements of Section 48985. Reject in that the models described in sections 4803 through 4807 reflect the federal description of models. Education Code section 53300 sites the intervention models from that language.

**Comment:** California State PTA believes that to ensure the transparency of the process, the implications of the adoption of a specific model should also be disclosed, as well as who will be responsible for implementation.

**Reject:** The implications of the adoption of a specific model and the levels of success are likely to be subject to unforeseen and idiosyncratic variables; however, the LEA is responsible for implementation pursuant to Education Code section 53300.
Comment: As part of the process for intervening in the Persistently Lowest-Achieving Schools, the statute requires that prior to the selection of one of the four interventions the governing board must hold two meetings, with at least one at the school site. California State PTA believes that requiring the same type of meetings when Parent Empowerment is invoked is critical. California State PTA believes that the most meaningful parent engagement occurs when parents are provided with sufficient information to make informed choices about their children and their schools. To that end, we reiterate our belief that the parent empowerment provision would be significantly strengthened if in eligible school communities expressing interest in exploring this option, public meetings were held at the affected school site informing parents of the petition option and providing information about the allowable turnaround strategies that can be initiated by a successful petition campaign.

Reject: Unlike Education Code section 53202 which specifically requires public hearings, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statute requires that any hearings or meetings be held by the LEA nor precludes the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

Comment: California State PTA believes that there should be specific reference to the language notification requirements in Education Code section 48985, which mandate that any written communication to parents be in the primary language spoken at home.

Accept: Section 4800.5 has been amended to read:

This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

Comment: Additionally, there should be specific language requiring that materials presented to parents be straightforward, unbiased and not couched in education terms, with opportunities for more detail as requested, so they can make informed decisions and be effective partners in their children’s education.

Reject: Section 4800.5 is amended to allow for, but does not require, LEAs to identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes and to inform parents how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations and community leaders to understand the intervention options.

Comment: 4802 Content of the Petition. Lines 2-3 “(c)(b) The name and public contact information of the person to be contacted by either persons interested in the petition or by the LEA;”
We believe to ensure transparency any affiliations must be disclosed, including whether the petitioners are associated with a parent group, union, district, or specific charter school operator, charter management organization or education management organization.

Accept: Section 4802(j) has been added to read:

(j) The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.

Comment: California State PTA remains opposed to the use of paid signature gatherers in the petition process.

Reject: There is no authority in the statute to disallow the use of paid signature gatherers. Moreover, the U.S. Supreme Court has held that wholesale prohibition of paid signature gatherers is an impermissible burden on free speech. Meyers v. Grant (1988) 486 U.S. 414.

Comment: “(d)(e) Identification of the requested intervention; (c)(d) A description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807;”

Again, California State PTA believes that the intervention models described in those sections are written in language that is neither meaningful nor accessible to most parents. Parents need access to clear information that is straightforward, unbiased and not couched in education terms.

Reject: The models described in sections 4803 through 4807 reflect the federal description of models. Education Code section 53300 sites the intervention models from that language.

Comment: We believe that petition should also inform parents where to go for more information.

Accept: Section 4802(c) provides this information. In addition, section 4800.5 has been amended to read:

... [T]he LEA shall provide the parents and guardians of all pupils enrolled in a school in restructuring planning or restructuring status with notice that the school may be eligible for a parent empowerment petition to request a specific intervention pursuant to Education Code section 53300. This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition. This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also and informing parents and legal guardians of pupils how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent
and community leaders to understand the school intervention options and provide input about the best option for the school. . .

**Comment:** Section 4802.2. This petition option is the only one that serves dual purposes – meets the requirements of the Parent Empowerment regulations and fulfills the requirements for conversion to a charter school. California PTA continues to believe that there should be a separate petition process for conversion to a charter school.

**Reject in Part and Accept in Part:** Reject in that there is no separate petition process. Accept in that section 4802.2(c) has been amended to clarify the process to implement the restart model and reads as follows:

. . . Upon the receipt of a petition that requests a restart model as intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options as set forth in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to section 4802.1(q), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (i)(1) and (l) except that the timelines set forth in Education Code section 47605(b) do not begin until 25 business days after the petition was received.

**VIRGINIA STROM-MARTIN, LAUSD**

**Comment:** In Section 4800(g) what is the definition of “typical”? This does not take into consideration any changes in attendance boundaries. Since 2001 LAUSD has opened 101 schools. Twenty-seven more will be built before 2012. Obviously our building program has a direct impact on attendance boundaries.

**Reject:** Typical may refer to a historical attendance pattern that is established and defined by the LEA. As set forth in section 4800.1(g):

(g) “Normally matriculate” means the typical pattern of attendance progression from an elementary school to a subject elementary school, from an elementary school to a subject middle school or from a middle school to a subject high school, as determined by the LEA(s) pursuant to established attendance boundaries, policies or practices.

**Comment:** In Section 4800 (k) since Adequate Yearly Progress (AYP) reports are not released until September, when should parental notifications be issued

**Response:** Notice that a school may be eligible for a Parent Empowerment petition will be issued on the same date that notice is issued advising that the school is in Program Improvement Year 4 (or later).

**Comment:** Do the regulations intend for that year to be a planning year for petitioning?
Response: Pursuant to Education Code section 53300 the intervention model adopted by the LEA must be implemented in the subsequent school year consistent with requirements specified in federal regulations and guidelines for schools subject to schools restructuring under section 1116(b)(8) of the Federal Elementary and Secondary Education Act (20 U.S.C. Section 6301 et seq.) and regulations and guidelines for the four interventions.

Comment: In Section 4800 (k)(3) clarification is needed to indicate whether the schools need to meet all four requirements under Adequate Yearly Progress (AYP): 1. Participation rate. 2. Percent proficient. 3. Using Academic Performance Index as an additional indicator. 4. Graduation rates. What is meant by not making AYP? This needs to be spelled out.
Response: AYP is taken in total.

Comment: In Section 4800(l) the use of the term “compelling interest” is a legal constitutional standard. We recommend amending this language because it creates the notion of a higher standard. Moreover, this clearly oversteps the statute which only requires the LEA to “make a finding in writing stating the reason it cannot implement the specific recommended option…” (Ed. Code section 53300).
Reject: The term compelling interest is used to refer its plain meaning and is not meant to refer to the constitutional standard that courts may invoke with respect to a governmental restriction on constitutional rights.

Comment: In Section 4800.1 (Parental Notice) is this stating that only Program Improvement, year four schools are eligible for petitioning under the Act?
Reject: As set forth in Section 4800.1(k):

(k)(h) “Subject school” means a school not identified by the Superintendent of Public Instruction following the release of the annual adequate yearly progress report, as a persistently lowest-achieving school that: under Education Code section 53201 which, after one full school year, is subject to corrective action pursuant to 20 U.S.C. Section 6316(b)(7) and continues to fail to make adequate yearly progress, and has an Academic Performance Index (API) score of less than 800.

1. Is not one of the persistently lowest-achieving schools identified by the SBE on March 11, 2010;
2. Has been in corrective action pursuant to paragraph (7) of Section 1116(b) of the federal Elementary and Secondary Education Act for at least one full academic year;
3. Has failed to make adequate yearly progress (AYP); and
4. Has an Academic Performance Index (API) score of less than 800.

Comment: In section 4801 (Petition Signatures) clarification is needed as to what would constitute an appropriate “combination of signatures of parents.” For instance, is it sufficient to have 80% (of a total 50%) of parent signatures come from the feeder schools to the subject school?
Accept: Section 4802.1(e) has been clarified and amended to read:
There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement.

Comment: In Section 4801(h), the District believes that the petition circulation should comply with already existing district policies and procedures.
Reject: Section 4801(h) does not relieve any persons from the responsibilities to observe any existing district policies and procedures.

Comment: In Section 4802(a) clarification is needed to address the fact that not all foster parents hold educational rights. Would this include homeless unaccompanied youth who has the right to be enrolled in a school without a parent under the McKinney Vento Act? LAUSD has a substantial population of these students. Language should clarify to mean foster parents that are “education rights holder” or “responsible adults.”
Accept: Section 4800.1(h) (formerly subdivision (e)) has been amended to read:

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

This section applies to any persons who hold rights to make educational decisions for pupils, including persons who hold rights to make educational decisions for homeless youth.

Comment: In Section 4802.1(a) if the LEA “may only contact parents or legal guardians to verify signatures on the petition.” If that is the case, which entity would be responsible for policing this subdivision and ensure that there have been no violations? What are the LEAs duties to ensure a fair and appropriate petition process? (In CDE’s Initial Statement of Reason it states that the LEA “has discretion to verify signatures but is not required to do so.”)
Reject: No suggestion made in this comment. The verification of signatures is permissive but not required by the LEA. Clarification language has been added to section 4802.1(f) that the LEA may contact parents and guardians to verify “eligible” signatures.

Comment: “…normally matriculate into more than one subject school” in Section 4801(d) is vague and does not clarify how it should be calculated if there is more than one feeder school for the subject school.
Reject: “Normally matriculate” is defined in Section 4800.1(g).

Comment: In section 4802.1(e) states that: “In connection with the petition, the LEA may only contact parents or legal guardians to verify signatures on the petition.” LAUSD believes principals or schools officials should not be limited from discussing educational choices, curriculum, or other related issues with parents.
Reject: The purpose of this section is to regulate the verification process to prevent undue influence. In addition, however, clarification language has been added to section 4802.1(f) (formerly subdivision (e)) to read:

(f)(e) In connection with the petition, the LEA may only contact parents or legal guardians to verify eligible signatures on the petition.

Comment: In Section 4802.1(g) does the 45 days include the 30 day and 60 day timelines for charter petition review under Ed. Code 47605 (b) if petitioners identify the restart model?

Accept: Section 4802.2(c) has been amended to clarify the timelines and reads:

(c) Upon the receipt of a petition that requests a restart model as intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l) with the exception that the timelines set forth in Education Code section 47605(b) do not begin until 25 business days after the petition was received.

Comment: In Section 4802.1(h) use of the term “compelling interest” goes beyond the statutory language that give LEAs decision-making authority to deny a suggested reform measure as long as it makes written findings.

Reject: The term compelling interest is used to refer its plain meaning and is not meant to refer to the constitutional standard that courts may invoke with respect to a governmental restriction on constitutional rights.

Comment: In Section 4802.1(i) clarification is needed to determine which entity will choose which petition and procedure for “random selection.”

Reject: The procedure to be used to randomly select which school’s final disposition will be implemented where the ceiling of 75 is about to be reached and more than one final disposition is received on the same day, will be standard procedures as determined by the SSPI and the SBE as set forth in section 4802.1.

Comment: In Section 4802.2 (c) clarification is needed to describe timelines vis-à-vis section 4802.1(g) above stating that the LEA should have final disposition within 45 business days. The Ed. Code 47605 (b) timelines may not necessarily coincide with the 45 business days. Moreover, the basis for denial of a charter school petition under Ed. Code 47605 (b)-(5) does not require a “compelling interest” standard as articulated in other sections in these proposed regulations.
Accept If Petitioners identify a restart model and request a specific charter operator, the timelines are clarified as follows:

(c) Upon the receipt of a petition that requests a restart model as intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (i)(1) and (l) with the exception that the timelines set forth in Education Code section 47605(b) do not begin until 25 business days after the petition was received. . . .

Comment: In section 4802.2(d) LAUSD would recommend adding that in accordance with Education Code section 47605(f), parents of pupils can opt out of attendance at a charter school.

Accept: Section 4800.3 has been amended to read:

Every pupil that attended a subject school prior to the implementation of an intervention shall continue to be enrolled in the school during and after an intervention is implemented pursuant to Education Code section 53300, unless the parent or legal guardian of the pupil chooses to enroll the pupil in another school or the school is closed. . . .

Comment: Section 4803- the LEAs should have discretion and flexibility in regards to implementation of this model. This would have both budgetary and operational consequences for the district.

Reject: The models are defined by federal guidelines and incorporated into Education Code section 53300. Turnaround model does offer flexibility to the LEA in implementation.

GLORIA ROMERO, CALIFORNIA STATE SENATOR

Comment: The legislative language states that an LEA must implement the specific option requested by parents unless they “cannot” do so. The word “cannot” was specifically chosen to ensure that LEAs respond to the will of the parents while also ensuring that the voices of parents were not limited. This is a very important point, and it is extremely important that these regulations further clarify this intent to the greatest extent possible.

Accept: Section 4800.1(l) clarifies the intent of the legislative language.

Comment: . . . [T]he “Parent Trigger” sought to ensure that a parent could request any of the four interventions, including charter conversion without permission from any other party. The current draft of these regulations contains some language
intended to address this issue, but it is necessary for the State Board to explore revisions to clarify our intent to the greatest extent possible.

**Accept:** Section 4802.2(b) clarifies the intent of the legislative language.

**Comment:** . . . [I]t is important to remember that the entire purpose of this law was to actually empower parents to transform their child’s failing schools through community organizing. As the author of this law, I would urge that the Board recognize our legislative intent when making decisions around these regulations. Additionally, while considering and crafting all future amendments and revisions, I would urge you to constantly consider whether they are consistent with the primary aspect of our legislative intent, which is to empower parents to create change through organizing to improve our students’ schools.

**Accept:** Regulations reflect language in the statute and are consistent with the laws of this state as set forth in Education Code section 33031.

**AFTER THE 45-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A 15-DAY PUBLIC COMMENT PERIOD BETWEEN DECEMBER 23, 2010 AND JANUARY 6, 2011:**

Renumbering and/or relettering changes were made throughout the regulations to accommodate amendments and deletions. In addition, various grammatical changes were made throughout these sections.

**SECTION 4800** is amended in response to public comment that the Board should not assume legislative intent and the fact that the Board’s intent is clear from the regulation itself.

**SECTION 4800.1(a)** is amended to add “either” and “elementary.” These additions are necessary to allow for the possibility of an elementary school being a subject school with lower grade span elementary schools that normally matriculates into a subject elementary school.

**SECTION 4800.1(d) (formerly subdivision (b))** is amended to delete “junior high schools.” This deletion is necessary because this language is redundant and junior high school is defined in 4800.1(f) “Middle school”.

**SECTION 4800.1(g)** is amended to clarify and allow for the possibility of an elementary school being a “subject school” and having a lower grade span elementary school(s) that normally matriculates into a subject elementary school.

**SECTION 4800.1(h) (formerly subdivision (e))** is amended to add foster parents “who hold rights to make educational decisions” and to cite to an additional statutory reference. This addition is necessary to clarify that only those foster parents who hold rights to make educational decisions may sign a petition.

**SECTION 4800.3** is added to clarify the enrollment rights of pupils during and after the petition process. This is necessary to ensure that pupils at a school where an
intervention is implemented may continue to attend that school.

SECTION 4800.5 is amended to add “This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition.” This addition is in response to public comment and designates the CDE Web site which will provide specific information to parents regarding the petition process and access to the descriptions of the intervention models set forth in sections 4803, 4804, 4805, 4806, and 4807.

SECTION 4800.5 is also amended to specify that among the information that may be provided on an LEA’s web site is enrollment data and attendance boundary information, as well as information on who parents and legal guardians may contact to understand the intervention options, and which options may work best for a school. This section is also amended to add the language “This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.” This is necessary to ensure that the LEA complies with stated language requirements.

SECTION 4801(a) is amended to add “all.” This is necessary to clarify the requirement that if a petition seeks signatures of parents from the subject school, and schools that normally matriculate into the subject school, that all schools that normally matriculate into the subject school shall be included in the signature gathering process. It is also amended to delete the word “only” as it is superfluous.

SECTION 4801(b) is amended to read: “A petition must contain signatures of parents and or legal guardians of pupils attending the subject school and may contain signatures of parents or legal guardians of pupils attending only the elementary or middle schools that normally matriculate into a the subject middle or high school.” These amendments are necessary to clarify that the petition process must at least contain the signatures of parents or legal guardians of pupils attending the subject school. The collection of signatures of parents or legal guardians of pupils attending schools that normally matriculate into a subject school is optional.

SECTION 4801(e) is amended to add “or request other information”. This amendment is necessary to allow signature gatherers the possibility to collect additional voluntary information.

SECTION 4802(a) is amended to notify potential signers that foster parents can sign the petition if they hold rights to make educational decisions for a pupil.

SECTION 4802(b) is amended to clarify that the petition seeks the signatures of parents OR legal guardians and provides consistent language throughout the regulations.

SECTION 4802(e) (formerly subdivision (d)) is amended to add “without omission to ensure full disclosure of the impact of the intervention” to ensure that petition signers have immediate access to the language of the intervention model specified in the petition.
SECTION 4802(i) (formerly subdivision (h)) is amended to add “and, if so, that information must be clearly stated on the front page of the petition.” This amendment is necessary to avoid confusion or mistake as to the content and intent of the petition.

SECTION 4802(j) is added to ensure full disclosure of the status and affiliations of the petition organizers and financial supporters.

SECTION 4802.1(a) is added to ensure the petitioners have access to accurate data to ascertain the number of signatures required to sufficiently meet the “at least one-half” requirement of parents or legal guardian signatures.

SECTION 4802.1(b) (formerly subdivision (a)) is amended to allow an LEA to verify signatures from matriculating schools that are outside of the subject school’s LEA. This is necessary to ensure that LEAs cooperate with one another if they choose to verify signatures. This language also clarifies that an LEA may not invalidate a signature based on a technicality when it is clear that the parents or legal guardian’s intention was to support the petition. This is necessary to effectuate the intent of the Parent Empowerment statutes.

SECTION 4802.1(d)(formerly subdivision (c)) is amended to change “students” to “pupils” for consistency.

SECTION 4802.1(d)(formerly subdivision (c) and (e)(formerly subdivision (d)) are amended to add “or legal guardians” for consistency.

SECTION 4802.1(e) (formerly subdivision (d)) is also amended to add “There is no specified ratio required of signatures gathered at each school; rather the total ratio of signatures gathered must meet the one-half requirement.” This amendment is necessary to clarify that, where signatures are gathered at more than one school, only the total number of signatures gathered must meet the one-half requirement and that the one-half mark need not be reached at each school.

SECTION 4802.1(f)(formerly subdivision (e)) is amended to provide that LEA may only contact parents or legal guardians to verify “eligible” signatures. This is necessary for clarity.

SECTION 4802.1(g) (formerly subdivision (f)) is amended to lengthen the number of business days from 20 to 25 that an LEA has to return the petition to the person designated as the contact person. This amendment is necessary to allow sufficient time for verification of signatures.

SECTION 4802.1(g)(1) (formerly subdivision (f)(1)) is amended to clarify that the petition can only be returned for insufficient signatures if one-half of the parents or legal guardians fail to meet the signature requirements set forth at Section 4801(a).
SECTION 4802.1(h) is added to allow petitioners to resubmit a petition to include additional signatures if and only if the original petition lacked a sufficient number of signatures and no substantive changes are made to the resubmitted petition.

SECTION 4802.1(i) (formerly subdivision (g)) is amended to add that the date the LEA is required to have reached a final disposition may be extended by an additional 20 business days if the LEA and the person listed in section 4802(c) agree to the extension in writing. This is added to allow for additional flexibility.

SECTION 4802.2(a) is amended to delete “that meets all of the requirements of Education Code section 47605(b).” This deletion is necessary as it cannot be determined whether a particular charter petition meets the requirements of section 47605(b) before it has undergone a rigorous review process.

SECTION 4802.2(b) is amended to reference additional subdivisions of the EC to clarify that no additional signatures of any kind will be required beyond those required by the parent empowerment statutes. This subdivision also adds the word “otherwise” for clarification purposes.

SECTION 4802.2(c) is amended to establish procedures and timelines in the event a restart model is the model selected on the petition submitted as well as to establish procedures and timelines in the event that a restart petition requests that the school be reopened under a specific charter school operator, charter management organization or education management organization.

SECTION 4802.2(d) adds language to clarify that an LEA must first reach a final disposition on a specific model identified in the petition before it can act on a specific charter proposal. This is necessary to comply with the Education Code section 53300 which provides that the LEA shall implement the intervention requested or designate in writing which of the other intervention options it will implement in the subsequent school year.

SECTION 4802.2(e) is amended to clarify that once a school is converted to a charter school through the petition process, it is subject to all the same provisions that conversion charter schools are subject to.

COMMENTS RECEIVED DURING THE PERIOD THE 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC

The modified text was made available to the public from December 23, 2010, through January 6, 2011, inclusive. Eleven written submissions representing 95 comments were received during the 15-day comment period. Pursuant to Government Code sections 11346.9(a)(3) and (a)(5), California Department of Education (CDE) staff, on behalf of the SBE, has summarized and responded to those comment as follows:

BARRETT GREEN, LAW FIRM OF LITTLER MENDELSON
Comment: Sections 4802(i) and 4802.2. The proposed regulations seek to authorize petitioners to select a specific charter school operator, charter management organization, or education management organization when requesting the so-called "restart model" intervention under Education Code sections 53300 and 53202(a).

This approach is ultra vires and, if approved, would dramatically alter the existing statutory framework.

There is nothing in Education Code section 53300, 53202, or the federal Appendix that suggests in any way that a petitioning group would be able to select a specific charter school operator, charter management organization (CMO), or education management organization (EMO) within an intervention model after having selected the so-called "restart model" under Education Code section 53300 and 53202(a).

Rather, it clear that it is the "LEA" (the local educational agency) that converts or closes and reopens the school under a charter school operator, a CMO, or an EMO, and only after the charter, CMO, or EMO has "been selected through a rigorous review process."

Had the Legislature intended to allow a petitioning group to divest the locally elected public officials of their oversight authority in implementing the restart model, the Legislature could and would have said so.

If the regulations are enacted as proposed, well-funded charter schools will have a financial motive to persuade parents to support a charter's takeover of an existing school district facility, knowing that the result will be a stream of public revenue directly to the charter. Absent the regulation, parents can still impose the restart model on a school district, but the school district remains accountable to all of the residents of the community and the electorate in vetting proposed charters, CMOs, and EMOs, and implementing the "rigorous review process" required under Education Code section 53202(a) and the federal Appendix, before a charter, CMO, or EMO is selected.

Other provisions of the Charter Schools Act (Education Code section 47600 et seq.) support the latter construction. Under Education Code section 47605(a)(1), a so-called "startup charter" may be initiated by a petition signed by parents of one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation, or one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. In contrast, under Education Code section 47605(a)(2), when a petition proposes to convert an existing public school to a charter school, the petition must be signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted. This reflects the substantial local support required in the context of a takeover of a specific school by a specific charter organization.

Further, the construction is supported by principles of equal protection under the state and federal constitutions. If the proposed regulation were authorized, a small number
of parents who might possess educational rights over their children, but might not reside in the community, might not have voted in recent local elections, or might not even be eligible to vote would be authorized to dispossess locally elected officials of governance responsibilities, and effectuate a transfer of public funds and facilities through the disenfranchisement of residents and registered voters.

The proposed regulations constitute an impermissible transfer of legislative oversight from a locally elected body to special interest groups. It is respectfully submitted that the regulations are *ultra vires* and should not be approved.

**Reject:** Although the LEA may operationalize the conversion of a school under a charter school petition, there is nothing in section 4804 “Description of Intervention – Restart Model” that precludes parental selection, suggestion, or request of a charter school operator (CSO), charter management organization (CMO), or education management organization (EMO). Moreover, the regulations still provide the LEA with the final authority over whether to adopt a particular CSO, CMO or EMO. Pursuant to Education Code section 33031, the SBE has adopted rules and regulations that are consistent with the laws of this state.

**Comment:** In various places in Proposed Regulation 4802.1, the term "at least one-half of" is included before the term, "the parents or legal guardians of all pupils..." (See, e.g., sections 4802.1(d), (e), (g)(l).) : In each of these instances, the sentence would be clearer if the term were moved so that the sentence read, "the parents or legal guardians of at least one-half of..." since the one-half that is required is one half of the pupils.

**Reject:** Current language reflects Education Code section 53300.

**Comment:** Need For Regulation Regarding Stale, Lapsed, Or Withdrawn Support. There appears to be no regulation addressing any time-period after which a signature in support of a petition becomes stale or lapses, or any mechanism for a proponent of a petition to change his/her mind.

Absent rulemaking in this area, a parent could sign a petition and six months, a year, two years or more could pass and the signature could still be used in support of a petition, even though circumstances likely have changed. It is respectfully recommended that this issue could be addressed through either a requirement that signatures in support of a petition remain valid for a specified number of days and/or that a mechanism be implemented to allow signatories to withdraw support.

**Reject:** Timeline inherent in the petition process as it relates to the identification of a subject school precludes the scenarios reflected in the comment.

**Comment:** Under proposed section 4802.1(g), an LEA has 25 business days in which to return the petition to the person designated as the contact person specified in section 4802(c), if the LEA determines there are insufficient signatures, or the petition is otherwise defective in specified respects.

It is respectfully submitted that the proposed 25 business days is not sufficient time for an LEA to determine whether a petition has met all of the requirements of the
petition set forth in proposed regulation Section 4802, and whether there are sufficient signatures from parents/guardians of one-half of the pupils of the affected school.

For example, if the affected school is a high school, an LEA may be required to verify over 1,500 signatories within 25 days. Moreover, the 25 days could run during a time period when students are not in school (i.e., summer recess), which would make it extremely difficult for an LEA to verify signatures. Further, an LEA may be presented with multiple petitions at the same time or within a short time frame, making it very challenging for the LEA to undertake the required review in a timely manner.

It is respectfully proposed that the regulation be amended, as follows:

a. Business days should be defined so as to exclude days when students are not in school.

b. The 25 business day timeline should apply to petitions of less than 200 signatures; petitions of 200-500 signatures should have a 40 business day turnaround time; and petitions in excess of 500 signatures should have a 60 business day turnaround time.

Response: Timelines and language as proposed are sufficient, even where petitions contain a large number of signatures. If an LEA wishes to verify signatures, it need only match the information on the petition with existing enrollment records at the schools which should not take more than 25 business days, particularly since business days only includes days that the LEA is open and operating. However, the comment is neither accepted nor rejected at this time as, the Board has put forth for public comment Optional Section 4802.1, which provides 40 calendar days for LEAs to verify signatures.

Comment: Proposed section 4802.1(h) provides that, if the petition is returned pursuant to section 4802.1(g), the same petition may be resubmitted to the LEA with additional signatures as long as no substantive changes are made to the petition. If substantive changes are made to the petition, it must be recirculated for signatures before it may be resubmitted to the LEA.

When a petition is submitted, the petition reflects the views of the signatories at a "snapshot" in time - the moment of submission of the proposal. These views may change at some point thereafter. Allowing a defective petition to be revived would seem to endorse an assumption that a petitioner, who at one period in time supported the petition, still supports the petition at some later point.

It is reasonable to require that proponents only submit petitions after undertaking reasonable due diligence to ensure they have obtained the requisite number of signatures.

In addition, the term "substantive changes" is not defined in Proposed Regulation 4800.1 or in the Education Code. Absent some definition, disputes will likely arise regarding whether a change to the petition is "unsubstantial," without providing an
opportunity for the signatories to review the changes to the petition and determine whether they still support it.

It is respectfully submitted that regulation 4802.1(h) should be withdrawn. **Accept in part and Reject in part:** Accept the comment that “substantive changes” is difficult to define so Section 4802.1(h) has been amended to delete the word “substantive” from the regulation text. The comment is rejected insofar as petition gatherers are allowed to resubmit a petition that has been returned solely for deficiencies in the number of signatures required. In addition, it should be noted that Optional Section 4802.1, put forth for public comment, similarly allows petitions that are found by an LEA to be deficient in signatures to resubmit the petition to an LEA within a specific period of time.

**Comment:** Under proposed section 4802.2(c) (last sentence), the timelines contained in Education Code section 47605(b) begin 25 days after receipt of the petition if the petition is not returned pursuant to proposed regulation section 4802.1(g).

This provision, however, conflicts with the first sentence of Regulation 4802.2(c), which requires that the LEA first determine whether it will implement the restart model (applying Proposed Regulation 4802.1’s 45 business day review timeline) before then conducting the "rigorous review" under regulation 4802.2.(c).

It also conflicts with Proposed Regulation 4802.2(d), which provides that the LEA shall act to approve or deny a specific charter proposal if and only if the LEA has adopted the restart model as its final disposition.

Assuming the State Board persists in maintaining *ultra vires* regulations 4802(i) and 4802.2, the conflict in Regulation 4802.2(c) can be remedied by allowing the 25 business days to commence after the determination is made pursuant to Regulation 4802.1. **Accept:** Sections 4802.2(c), (d) and (e), have been amended to remedy any potential conflicts in timelines. Optional subdivisions (d) and (e) also contain the same changes in the timeline, although the process is slightly different. Optional Section 4802.2 proposes different timelines and processes.

**Comment:** Recusal Of Affected State Board Of Education Members In Light Of The Political Reform Act Of 1974 (Government Code Section 81000 Et Seq.) And Applicable Ethics Rules

It is our understanding that, at the December 15, 2010 meeting of the State Board of Education ("SBE"), State Board member Benjamin Austin stated that he is abstaining from consideration or vote with respect to the proposed regulations due to his direct and significant involvement in a pending "parent-trigger" petition as Executive Director of Parent Revolution. Parent Revolution is the organization that initiated the December 7, 2010 petition filed with CUSD regarding CUSD's McKinley Elementary School.
CUSD respectfully requests that State Board President Theodore R. Mitchell and State Board Members Yvonne Chan and Johnathan Xavier Williams also abstain from consideration of and voting on the regulations because these State Board Members are also board members of various charter schools in California, including Green Dot Public Schools, Friendship Public Charter School, Accelerated Charter Elementary School, The Accelerated School, and Vaughn Next Century Learning Center.

As more fully addressed above in CUSD's comments regarding the proposed regulations, proposed regulations 4802(i) and 4802.2 would authorize a petitioning group to identify a specific charter operator when seeking to implement the so-called "restart model" intervention under the parent empowerment statute. This procedure is not referenced anywhere in the parent empowerment statute or related federal law.

We have submitted a California Public Records Act request to the State Board of Education/California Department of Education to evaluate which, if any, SBE Members and/or California Department of Education ("CDE") officials collaborated with charter special interest groups in connection with the creation of proposed regulations 4802(i) and 4802.2 and related matters. However, SBE staff have extended to January 11, 2011, the date by which they will respond to the records request.

Regardless of whether any State Board members collaborated with charter special interests in crafting this special rule, all State Board officials who have a fiduciary or financial connection with charter schools have a conflict of interest regarding the enactment of the Parent Empowerment regulations because the regulations provide a new and direct avenue for their affiliated charter schools to quickly expand and operate in various public school districts.

For these reasons, it is respectfully requested that the affected State Board of Education Members recuse themselves from consideration or voting in connection with the proposed regulations.

Reject: The issue of conflict of interest is not germane to the substance of the regulations.

**PRISCILLA WINSLOW, CALIFORNIA TEACHERS ASSOCIATION**  
**Comment: Section 4800.1(I).** In this section which defines "cannot implement the specific recommended option," the proposed regulation requires that a school district must have a compelling interest to support a finding that it cannot implement an option. The authorizing statute, Ed. Code §53300, simply requires the local educational agency to make a "finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other options described in this section it will implement. ... ". Inserting a requirement of "compelling interest" exceeds the parameters established by the statute, and therefore exceeds the authority of the SBE to promulgate such a regulation.
If the Legislature had intended to create a burden of "compelling interest" it would have said so. The absence of such a standard in the legislation reflects the Legislature's determination that the only burden an LEA bears is to articulate the reasons for its rejection of one option in favor of another. Regulations cannot overturn that legislative choice.

For these reasons we propose omitting the clause, ".and has a compelling interest to support such a finding."

**Accept:** Section 4800.1(l) has been revised to omit the reference to compelling interest.

**Comment: Section 4800.3.** This new regulation provides that every pupil attending a subject school prior to the implementation of an intervention shall continue to be enrolled in that school during and after an intervention, unless the pupil enrolls in another school or the school is closed.

The Charter Schools Act, Ed. Code §47600, et seq. guarantees that no child may be compelled to attend a charter school, and any charter petition must describe public school alternatives for pupils who choose not to attend the charter school. Ed. Code §47605(b)(5)(L). This regulation should be amended to require that any "parent empowerment petition" that seeks a charter school must notify parents of their right to enroll their children in another non-charter school in the district.

**Reject:** The suggestion is unnecessary. Sections 4800.3 and 4802.2(f) provide for pupil enrollment and do not require that parents enroll their child in any particular school. Nothing in the regulations precludes a parent from choosing to enroll their child in another school subsequent to a parent empowerment petition, subject to any laws or rules pertaining to enrollment. Moreover, any proposed charter school proposal attached to a parent empowerment petition will have to undergo a rigorous review process which includes a determination of whether the proposal complies with the provisions of Section 47605(b).

**Comment: Section 4801(d).** This proposed regulation persists in omitting any requirement that the petitions contain the addresses of parent or guardians signing the petitions, yet it now requires the pupil's name and date of birth. Obviously, privacy is not a concern that motivates the omission of an address requirement.

Requiring addresses is necessary to enable the LEA to verify the signatures quickly without a cumbersome cross-checking process. It will also assist in preventing fraud and assure that those signing actually live in the district or are otherwise qualified to sign the petition. We request that the address requirement be reinstated.

**Reject:** Adequate procedures are in place to allow LEAs to readily verify signatures without an address on the petition.

**Comment: Section 4801(h).** This regulation should be amended to prohibit signature gatherers from making false statements concerning the educational improvements hoped to be realized by the requested intervention or any other false or misleading statements about the consequences of signing or not signing the petition. It should
also prohibit signature gatherers from making any threats or other coercive statements in an attempt to obtain signatures. Preliminary reports from Compton Unified School District indicate that parents were told that they needed to sign the petition to implement parent empowerment in order to get more money for McKinley School, or so that it would not close. Others were reportedly threatened with deportation if they did not sign. In short, misconduct by some signature-gatherers is a reality and these regulations should prohibit such misrepresentations or threats.

We ask that this regulation be amended to read as follows:

(h) Signature gathers may not offer gifts, rewards, or tangible incentives, or make threats of coercive action, false statements, or false promises of benefits to parents or legal guardians in order to persuade them to sign a petition ... [as in proposed regulations.]

Response: The comment is accepted in that section 4801(h) has been amended to include a prohibition against “harassment” and already prohibits threats and intimidation but neither accepted nor rejected as to the inclusion of a prohibition regarding false statements or false promises of benefits, as that language has been included as an option put out for public comment by the Board pursuant to Optional Subsection 4801(g), for the purpose of determining whether to include such language in the future.

Comment: Section 4802. This section generally addresses what is to be required on the petitions. In addition to what has been proposed, there should be a provision on the petition informing parents and guardians that they have a right to revoke their signatures.

The need for such a regulation has become very apparent in light of the events in Compton and this Board's call for an investigation by the Attorney General into alleged threats and misrepresentation by the signature gatherers acting on behalf of Parent Revolution. If a parent signed a petition based on the representation that his signature will get more money for the school, or that his signature was needed to prevent the school from closing when those facts are not true, the parent should have the opportunity to rescind his signature.

If this statute is truly about parent empowerment, the SBE will include provisions for revocation of signatures. What could be more disempowering than to hold a person to a signature gained by false pretenses?

Reject: Section 4801(g) provides sufficient protection regarding the misrepresentation of a petition during the signature gathering process.

Comment: Section 4802(i). This subsection permits a petition for the "restart" model to combine that petition with a request that the school be reopened "under a specific charter school operator, charter management organization or education management organization, ... " To the extent that this proposed regulation permits a charter school to be established at the same time or by the same "parent empowerment" petition, it is on a collision course with the Charter Schools Act. This regulation dispenses with
the requirement in Ed. Code 47605(b) that a charter petition include a description of its proposed educational program, the qualifications of those to be employed in the charter school, and other representations the Legislature saw fit to include to assure some measure of charter school quality.

This regulation, combined with others in these proposed regulations, removes the LEA from any review of a petition that would create a charter school, authority which is specifically vested in school districts by Ed. Code §47605(b). Obviously, the SBE is not empowered to overturn legislation (the Charter Schools Act) through these regulations.

Permitting charter schools created pursuant to Ed. Code §53300 to be virtually unreviewed by any part of the public school system, whether it be an LEA or the State Board, creates a two-tier system and will call into question whether these charters are actually part of the public school system from a constitutional standpoint. See Wilson v. SBE (1999) 75 Cal. App. 4th 1125. If no public entity reviews the bona fides of a proposed charter school, it loses the public oversight assumed by the Supreme Court in Wilson and specifically provided for by statute. The Charter Schools Act reflects the Legislature's intention that petitions for charter schools must be reviewed for their fiscal and educational integrity. Allowing "parent trigger" charter schools to be formed without review undermines one of the safeguards of the Charter Schools Act. There is simply no rational basis for removing the requirement of a "rigorous review process" from the selection process for CMO, EMO, or charter operators that was initially contemplated in an earlier draft of this regulation.

In order to harmonize this proposed regulation with existing statutes the regulation should be changed to make clear that charter school formation under Ed. Code 53300 shall be accomplished only by the procedures already established in the Charter Schools Act. In addition, the regulation should identify which educational agency is to perform the "rigorous review." We presume it should be the LEA, as it is in the best position to know the educational needs of the pupils it serves.

Accept in part and reject in part: Accept in that the amendment to sections 4802.2(a), (b), and (c) and additions to sections 4802.2(e) and (f) align the proposed regulations to incorporate some of the requirements of the Charter Schools Act and allow the LEA to conduct the rigorous review process only after a restart intervention is chosen, but rejected in that the formation of the charter school is not accomplished solely by the procedures of the Charter School Act. While the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

Comments: Section 4802.1(b). This regulation permits, but does not require, the LEA to make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. That means the LEA should be able to determine that the signatories are parents or guardians of pupils in the subject school
or in "feeder schools." How can this verification be done if the parents are not required to provide their addresses? Indeed, without addresses, no one can verify that the signatories are bona fide parents or guardians.

For all practical purposes, dropping the address requirement precludes the LEA from checking for fraudulent signatories, or makes it extremely cumbersome for the LEA to do so.

In order to protect the public interest in having the parent "trigger" be pulled by actual parents of pupils in subject schools, the LEA should be required to do a sample test of the signatures on a petition to assure that they are not fraudulent. To accomplish this we ask that the address requirement be placed back in these proposed regulations and that the following be inserted in §4802.1(b):

Upon receipt of the petition, the LEA shall make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations as in proposed regulation.

Reject: Addresses are not necessary for verification purposes and mandating signature verification may be beyond the scope of the statute.

Comment: Section 4802.1(c). As written, this regulation is ambiguous. What does it mean to "remain a subject school until final disposition of the petition by the LEA"? "Final disposition" means "the action taken by the [LEA] to implement the requested intervention option presented by a petition ... “ [Proposed Reg. 4800.1(c).] If a school no longer qualifies as a target school between the time a petition is filed and the time the LEA acts on the petition, is it the intent of these regulations to allow the intervention anyway? If so, are schools who qualify as a subject school under Ed. Code 53300 to remain subject to the intervention for the rest of time? What are the provisions for exiting?

To the extent this proposed regulation intends to include schools that are "on the cusp," i.e. they fit the definition of a subject school when the petition was filed, but then exited the category because they exceeded 800 on the API, or exited program improvement, or made adequate yearly progress, the regulation allows this statute to be directed not at the lowest performing schools, but at schools that are actually making improvement and are in least need the remedy provided for by the statute. This regulation simply is not tailored to effectuate the purposes of the act. Only 75 schools are subject to Ed. Code §53300. This regulation will permit the "trigger" to be spent not schools that allegedly could really benefit from it, but on schools that are already on their way to improved status. We ask that this section be deleted from the proposed regulations. It is confusing, and contrary to the purposes of the Education Code.

Response: The LEA maintains the ability to implement the requested model or an alternative model. Academic progress may be a point of consideration in determining which model to implement. Nevertheless, the comment is neither accepted nor rejected at this point as the SBE has put forth for public comment two optional provisions. Section 4800.1, optional new subsection(k)(5) would provide that a school
that exits Program Improvement shall not be subject to continued identification on the Parent Empowerment list. Optional Section 4802.1(c) would provide that a subject school shall cease to be a subject school if it has exited federal Program Improvement and is at or over 800 on the Academic Performance Index.

Comment: On the contrary, we believe that a regulation should provide that LEAs may reject parent petitions for schools that have made academic progress in the past school year, even if the school's API is below 800. McKinley Elementary is a case in point. It has been receiving Quality Education Investment Act (QEIA) funds for the past three years, and has implemented reforms mandated by the Quality Education Investment Act (Ed. Code §52055.700, et seq.), including reforms that are unique to that school and that have been formulated by the community of teachers, administrators and parents. The test scores at this school have been improving since it has been in the QEIA program. Bringing in a new governance structure or new educational program has the potential to erase the gains the school has made. It undermines the intent of QEIA, which was envisioned to span at least seven years.

Insulating QEIA schools or any others that have been making progress after having undergone changes in their educational program or alterations in school governance would also better harmonize this statute with the federal No Child Left Behind Act, and with these proposed regulations which define "intervention" to include the alternative governance arrangement pursuant to Title 20 U.S.C. Section 6316(b)(8)(B)(v). This federal statute provides in pertinent part:

"Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes on the school's staffing and governance, to improve student academic achievement...and that has substantial promise of enabling the school to make adequate yearly progress ..."

As a general matter, QEIA schools have already implemented this "fifth" option as a condition of receiving the QEIA grant. The reforms implemented in those schools should not be disrupted by a parent petition before they have had a chance to run their full seven-year course.

Reject: The suggestions offered are outside of the scope of the statute as the statute does not make an exemption for QEIA schools. In addition, the LEA maintains the ability to implement the requested model or an alternative model. Academic progress may be a point of consideration in determining which model to implement.

Comment: Section 4802.1(f). This regulation purports to limit LEAs contact with parent signatories only to determine if those parents or guardians are eligible to sign a petition. The public authority should not be so limited. School districts should not be prohibited from determining whether the signatories on a petition were coerced into signing by fraud, duress, or other unethical or illegal means. As a public entity, the LEA has a duty to assure that it is not being defrauded by an alleged parent petition that has been procured by intimidation. We suggest the following amendments:
(f) In connection with the petition, the LEA may contact parents or legal guardians to verify eligible signatures on the petition and to determine if the signatures were obtained by fraud, duress or intimidation.

Reject: The preferred language is unnecessary as current regulations allow LEAs to contact parents or legal guardians when necessary for verification purposes and nothing in the regulations prohibits a parent or guardian from reporting instances of fraud, duress or intimidation.

Comment: Section 4802.1(j). This regulation imposes a duty on the LEA to state a "compelling interest that supports" a finding that a particular requested intervention cannot be implemented. For the reasons discussed under Proposed Regulation 4800.1(l) above, we request this requirement be deleted. Imposing this greater standard of proof on the LEA exceeds the plain language of the statute and is therefore beyond the authority of the SBE to implement by regulation.

Requiring a "compelling interest" standard also potentially conflicts with federal law, 20 U.S.C. 63 l 6(b)(8)(B)(v), which imposes no requirement that an LEA demonstrate by "compelling interest" which intervention it chooses to implement for schools in Program Improvement. Exceeding the federal requirements in this context violates the Supremacy Clause of the United States Constitution.

Accept: Section 4800.1(l) has been amended to delete the "compelling interest standard."

Comment: Sections 4802.2(a) and (b). These two subparagraphs permit a parent empowerment petition that calls for the establishment of a charter school operator, a charter management organization or education management organization to "stand in" for the charter petitions required by Ed. Code §47605(b), the Charter Schools Act. “A separate petition for the establishment of a charter school will not need to be signed."

These proposed regulations exceed the authority of the State Board of Education because they completely supersede the Charter Schools Act. As is well known, petitions to create charter schools must be accompanied by some group of signatures, either parents who are meaningfully interested in sending their children to a start-up charter, or permanent teachers who work at a proposed conversion charter. This regulation proposes to do away with any signature requirement on the charter petition itself, instead substituting the signatures on the parent empowerment petition under Ed. Coded 53300 for the review of the charter petition that the CSA presumes parents will make before they sign such a document. The one cannot be substituted for another for legal and policy reasons.

Skipping parent signatures on a charter petition is actually parent disempowerment. It removes their ability to review the proposed educational program proposed by the charter school. This contradicts the spirit of Ed. Code 53300 and the letter of the CSA.

Reject: Education Code section 53300 provides that parent signatures are sufficient alone to prompt the adoption of an intervention model, such as the Restart model.
Education Code section 53300, via reference to Education Code section 53200, incorporates the federal definition of the Restart model which provides for conversion of, or closing and reopening of, a school under a charter school operator, a charter management organization, or education management organization. Requiring compliance with the signatory requirements of the Charter School Act would frustrate the intent of the parent empowerment statutes. In addition, these regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

**Comment:** Subparagraph (b) actually amends the CSA [Ed. Code 47605(a)(1) and 47605(b)(3)] by doing away with the signature requirement altogether if a subject school is to be closed and reopened under a specific charter school operator. The State Board does not have the authority to amend statutes. This is also extremely bad policy.

**Reject:** The parent empowerment regulations do not alter the CSA statutes.

**Comment:** Under these regulations that purport to remove from any LEA the right and duty to oversee the quality of schools in the district, the right to determine if parent signatures were fraudulent or obtained by duress and which significantly undermine the LEA's authority to reject a parent empowerment petition, California could easily end up charter schools that are completely inappropriate or illegal.

**Reject:** The regulations implement the requirements of the parent empowerment statutes. Moreover, the LEA is still responsible for conducting a rigorous review of any proposed charter school and is still the body responsible for approving any charter.

**Comment:** This proposed regulation further conflicts with the CSA because it purports to eliminate the requirement that "conversion" charter schools need not be accompanied by the signature of at least 50% of the permanent teachers at that school. Ed. Code §47605(a)(2). This requirement was placed in the CSA by the Legislature for a reason-to assure that public schools were not being converted to charter schools (an action that could have significant employment consequences for the staff in the converted school) without the assent of at least 50% of the permanent teachers.

There is no authority in Ed. Code §53300 for eliminating that protection, or any other provision contained in the Charter Schools Act. The SBE simply does not have the authority to enact this regulation. Charter schools may not be created by any method other than what is outlined in the Charter School Act. We request that Proposed Regulation §4802.2 be amended to reflect this.

**Reject:** These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act. Requiring compliance with the signatory
requirements of the Charter School Act would frustrate the intent of the parent empowerment statutes.

**Comment:** Addenda to section 4802.2(c). This proposal, submitted during the December 15 SBE meeting without benefit of any previous notice and comment period, would require an LEA to solicit charter proposals if a parent empowerment petition does not request a subject school be operated under a specific charter school operator, CMO or EMO and to conduct a "rigorous review process," including compliance with Ed. Code §47605(b) through (h) and (l).

This proposal continues to ignore subsection (a)(2) of Ed. Code §47605, the requirement for 50% of the permanent teachers to sign petitions to convert existing public schools to charter schools. For reasons described above, this regulation is illegal because it conflicts with the CSA and there is no legislative authority for the SBE to promulgate regulations that conflict with an existing statute.

**Reject:** These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act. Requiring compliance with the signatory requirements of the Charter School Act would frustrate the intent of the parent empowerment statutes.

**Comment:** This proposed regulation also creates an unnecessary burden on school districts to go out and seek potential charter school operators. Such a requirement is hardly necessary since charter schools are easily responding to a perceived market in California. We request that this regulation be deleted.

**Reject:** The obligation to solicit proposals for a charter school operator, charter management organization or education management organization pursuant to section 4802.2 only arises if a school chooses to implement a restart intervention and no specific operator or organization was requested in the petition and is not an unduly burdensome requirement.

**Comment: Section 4802.2(e).** This proposed regulation confusingly provides that a charter school established by a parent empowerment petition shall be subject to all of the provisions of the law that apply to other conversion charter schools, This is inconsistent with the Charter Schools Act, which requires permanent teachers' signatures on a charter conversion petition, not parent signatures. Read in conjunction with Proposed Regulation 4802.2(a), which says that parents need only sign the empowerment petition, subsection (e) is meaningless.

**Reject:** Section 4802.2(e) (now (f)) only applies once a charter school has been established through a parent empowerment petition.

**Comment: Section 4807.** This regulation describes "alternative governance arrangement." For reasons discussed above, we urge the SBE to add to this regulation a provision that would permit an LEA to reject a parent empowerment
petition if a school is already operating under an alternative governance arrangement and making improvements on its API score. Such a clarification would reserve the remedy of Ed. Code 53300 for those schools that are not making improvement and could perhaps make better use of the remedy.

Response: The LEA maintains the ability to implement the requested model or to implement an alternative model. Academic progress may be a point of consideration in determining which model to implement. This comment is neither accepted nor rejected at this time, rather, the Board is putting forth for public comment Section 4802.1, Optional new subsection (k)(5) which provides that a school that exits Program Improvement shall not be subject to continued identification on the Parent Empowerment List and Optional Section 4802.1(c) which provides that a subject school will not remain a subject school until final disposition if it exits program improvement and is at or over 800 on the Academic Performance Index.

KAREN CARDIERO-CAPLAN, CALIFORNIANS TOGETHER

Comment: Section 4800.1(l). (page 3, lines 12-14). The proposed “Cannot implement the specific recommended option” is defined as an LEA unable to implement the intervention requested by parents in the petition and “has a compelling interest to support such a finding”. We believe this wording goes beyond what is required by statute.

Section 53302(b) of Ch. 3, Statutes of 2010 specifically states that an LEA is not required to implement the option requested by the parent petition if the request is for reasons other than improving academic achievement or pupil safety. However reference to these reasons are not specifically cited in this section nor in the other proposed provisions of the regulations.

Recommendation: Add language to this section stating that an LEA is not required to implement a parent petition “if the request is for reasons other than improving academic achievement or pupil safety” and eliminate reference to “a compelling interest”.

Accept in part and Reject in part: Accept in that section 4800.1(l) has been amended to delete the “compelling interest” standard but reject the addition of language which states that an LEA is not required to implement a petition for reasons other than academic achievement or pupil safety as there is no reason to include language in regulations which is clearly set forth in statute.

Comment: Section 4800.3 (page 3, lines 19-29). We support adding this new section.

Response: No response required.

Comment: Section 4800.5 (page 3, lines 31&32, page 4, lines 1-22). This notice is key to a well understood policy and procedures of the parent empowerment provisions by all parents. Notices regarding the parent petition, the public hearing and the opportunity to provide input should be in the language that parents and community members understand so that they can participate effectively in the petition.
process and in the school turnaround process. This is critical for those parents who are not native English speakers and who are not proficient in English.

Recommendation: We support the proposed change to this section specifying that the notice and any other written communication from the school or the LEA to parents or legal guardians of pupils must meet the language requirements as required in Education Code section 48985. We thank the Board for this additional language. We respectfully request however that you further consider adding language that would require the information posted on the CDE’s website also be made available in languages other than English. Additionally, we believe public hearings or meetings held by LEAs on parent empowerment (policies and procedures) should make translation available for non-English speaking parents of students in schools slated for turnaround.

Response: All CDE web pages already adhere to accessibility and language requirements in statute. Additionally, statutes are in place that require LEAs to provide translation services for threshold languages under specified conditions and there is no need for any additional requirements. The comment is neither accepted nor rejected at this time as the SBE puts forth for public comment several optional provisions that would require, both on CDE’s website and the petition itself, translations to be made available for non-English speakers. These optional provisions can be seen in Option 2 of Section 4800.5, Optional subsection (j) of Section 4801 and Optional subsection (l) of Section 4802.

Comment: As you are aware, Section 53202 (b) of Ch. 2, Statutes of 2010 (SBX5 1) requires that prior to the selection of one of the four intervention the governing board of the LEA must hold two hearings, with at least one hearing to be held at the school site for the express purpose of seeking input from stakeholders (staff, parents and the community) regarding the option or options most suitable for the applicable school or schools in its jurisdiction. The proposed parent notice regulation does not provide for hearings nor input from stakeholders. Again, the most meaningful parent engagement occurs when parents are provided with understandable information to make informed choices about their children, their education and their schools.

Recommendation: (page 4, line 8) Add language to this section reflecting Education Code Section 53202 (b). The following amendment is proposed:

“…specific intervention pursuant to Education Code Section 53300. The notice shall include the requirement that the LEA must hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the school. At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest achieving. This notice shall provide…”

Response: This comment is neither accepted nor rejected at this time as such language has been included as an option that the public may comment on, as set forth in Option 1 of Section 4800.5.
Comment: Section 4801(b). (page 5, lines 13). This section specifies what constitutes a petition and a petition signature. Since many parents of children attending these schools will be parents with limited English proficiency, the petition should also meet the language requirement as specified in Education Code Section 48985.

Recommendation: (page 5, line 9) Add the following language:

“A petition shall meet the language requirements pursuant to Education Code Section 48985 and must contain…”

Response: Petitions are not generated by LEAs or schools, thus it may be beyond the scope of the CDE’s authority to mandate language requirements for parent petitions. The comment is neither accepted nor rejected though at this time as this language has been included as an option that the public may comment on, as set forth in Optional new subsection (j) of Section 4801.

Comment: Section 4802. (page 6, lines 19-32; page 7, lines 1-22). This section specifies the information that must be contained in a “petition” given to parents for their signatures such as a description of the requested intervention. Charter schools are not required to inform parents of their right to seek an alternative program for their children and of their right to file a waiver in order to make that happen pursuant to Education Code Sections 310 & 311 while public schools are required to inform parents of the waiver process. As a result many parents would not be informed of this right if they choose charter schools as their intervention model. We believe parents should be informed as to this fact.

Recommendation: (page 7, line 6) Add a new subsection (f) to read as follows:

“Alternative programs (bilingual programs) will not be available to students and waivers will not be available to parents wishing to place their children in bilingual classrooms as required pursuant to Education Code sections 310 & 311 upon choosing a charter school intervention.”

Response: The comment is neither accepted nor rejected at this time as similar language has been included as an option that the public may comment on, as set forth in Optional new subsection (k) of Section 4802 and Optional new subsection (g) of Section 4802.2.

Comment: Section 4802.1. (page 9, lines 18-22). This subsection allows the resubmission of a petition as specified and allows for the inclusion of additional signatures. There is no time frame for how long additional signatures can be collected. If it goes for a significant time then all signatures should be verified against the enrollment in order to verify that all of the original signatures are of students currently enrolled. The lack of a time frame could change the way 51% of signatures can be calculated especially for those schools with high transiency rates.
Recommendation: (page 9, line 22). Add the following language: “…be resubmitted to the LEA. **The additional signatures should be gathered within 25 business days.**”

**Response:** This comment is neither accepted nor rejected at this time as a time limitation of 60 calendar days for resubmission of a petition has been included as an option offered for public comment, as set forth in Optional Section 4802.1(j).

**JOYCE DILLARD**

**Comment:** Since Section 4800 has made it the intent of this regulation to align with federal statute, then Executive Order 13132 Federalism should be applied and any unfunded mandates should be considered. What is the record retention model and under what jurisdiction (sic).

**Reject:** Section 4800 addresses only the Parent Empowerment provisions.

**MARGUERITE NOTEWARE, CALIFORNIA SCHOOL BOARDS ASSOCIATION**

**Comment:** Section 4800. The California School Boards Association believes the proposed regulation language is contrary to statute. Education Code 53300 specifically references the four intervention models from the federal Race to the Top and School Intervention Program grant opportunities. Should the federal government change those four models or develop additional models, then California Education Code will need to be changed accordingly.

**Reject:** Education Code section 53300 is state law and reflects an intent to adopt provisions that are currently referenced in Federal law and there is no indication that the Legislature intended the parent empowerment intervention models to change if federal models are changed in the future.

**Comment:** Section 4800.1. In section (l) “Cannot implement the specific recommended option,” the proposed language uses the term “compelling interest.” We concur with several of the commenters from the 45-day notice draft regulations that the use of this terminology sets a high standard because it has a strict legal definition. The use of “compelling interest” goes far beyond the scope of the statute and we strongly object to it remaining in the final regulations. In the 45-day notice Final Statement of Reasons, the CDE states that they did not intend the constitutional definition, but the “plain meaning.” Unfortunately, that is not clear from the proposed regulation language and the State Board of Education does not have the authority adopt regulations that reach beyond statute. Should this section (and later reference in 4802.1(j)) be adopted with “compelling interest” CSBA believes it will create a reimbursable state mandate for LEAs because it implies a high standard that must be satisfied at the hearing created by Education Code 53300.

**Accept:** Section 4800.1(l) has been amended to delete the reference to a compelling interest.

**Comment:** Section 4801. In our previous letters to the Regulations Coordinator and the SBE, CSBA has expressed our concern that the proposed regulations do not include provisions prohibiting the payment or compensation of signature gatherers. While we continue to support the proposed language in section 4801(h), it is troubling that these expectations are not reciprocal. In the 45-day notice Final Statement of
Reasons, the case cited by the Department references signature gatherers for a statewide ballot initiative. We disagree with the CDE’s analysis that a ruling relating to a statewide ballot initiative may be applied to a local petition to change school governance. If the CDE believes that the petition process for the Parent Empowerment Act is analogous to gathering signatures to qualify an initiative for the statewide ballot, then CSBA suggests that all other laws that pertain to signature gathering for ballot initiatives should apply, such as fraud, disclosure and the like. Most importantly, a person signing a ballot initiative must list their name and address so that the Secretary of State can verify that the person is a registered voter. In this instance, we believe the Department is cherry picking statute by stating that petitions related to this Act are like an initiative, but only for the code sections that suit their needs.

Reject: The SBE believes that prohibiting compensation of signature gathering may impede constitutionally protected rights.

Comment: Section 4802.1. In the final sentence of section 4802.1(b), the proposed regulations state that, “An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.” Parents and legal guardians, by the act of signing the petition, are expressing their support. The LEAs role is to verify the pupil’s residence and enrollment information, and not to be put in the situation to make judgment decisions about their parent and legal guardian’s intentionality. Should an LEA find a technical error on the signature portion of the petition (such as duplication or student residence outside school attendance areas) they should be allowed to invalidate those signatures. Otherwise, why would a validation process be necessary? We find this proposed language erroneous, unnecessary and request that it be removed from the final version.

Response: The comment is neither accepted nor rejected at this time. While the referenced language has been removed from the proposed regulations at Section 4802.1(b), similar language remains in Optional Section 4802.1(b) which has been put forward for public comment.

Comment: We agree with the commenter from the 45-day notice version that stated that the use of “substantially” in section 4802.1(f)(3) again goes beyond the scope of the statue. We request that it be deleted from the final version.

Response: The comment is neither accepted nor rejected at this time. While the word “substantive” has been deleted from section 4802.1(h) it still remains used in Optional Section 4802.1(j).

Comment: Section 4802.2. In the second paragraph of section (c), the California School Boards Association believes it is beyond the authority of the State Board to require LEAs to “solicit charter proposals from charter school operators, charter management organizations and education management organizations” in the event that a restart model petition pursuant to this Act does not request a specific operator. We believe the use of “must” in line 18 on page 11 imposes an unfunded state mandate and urge that it be changed to “may” in order to avoid this consequence.
Response: The comment is neither accepted nor rejected at this time. While the requirement to solicit proposals for a specific charter school operator, charter management organization or education management organization on a petition is only required if an LEA chooses to adopt the restart model, the Board has included options that the public may comment that would not require that the LEA choose the specific operator. Optional Subsection (d) of Section 4802.2 and Optional Section 4802.2(d)(2), provide alternatives for the LEA to allow the parents and legal guardians that submitted the petition an opportunity later to select a specific school operator when a particular proposal was not submitted with the petition.

LIZ GUILLEN, PUBLIC ADVOCATES, INC.  
Comment: Section 4800 limits parents’ rights. The intent of our earlier comments was misinterpreted. Rather than limit Parent Empowerment provisions to the four intervention models in Race to the Top, we sought to allow the Parent Empowerment provision to apply to any additional transformation models that might be allowed by the federal government. This section should be amended to state the following:

The Parent Empowerment provisions shall remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010 to the extent allowable under law. If changes to federal law permit the use of additional transformation models, the provisions of these regulations shall apply equally to those models.

Reject: Education Code section 53300 is state law and reflects intent to adopt provisions currently referenced in Federal law and there is no indication that the Legislature intended the parent empowerment intervention models to change if current federal models are changed in the future.

Comment: Section 4800.5. Parental notice should require complete information to parents. CDE and SBE rejected our recommendation to include the information about parents’ rights to two public meetings, including one at the school site. This two-public meeting requirement is included in California’s Race to the Top legislation SBx5 1 (Steinberg) and it applies to the “persistently lowest achieving” schools that have to undergo one of the four federal interventions. Since the proposed regulations piggy-back the parent trigger information onto this notification “consistent with” ESEA, and the intent of the parent trigger is to empower parents, it is reasonable to also require districts to include in that notice the right of parents to two public meetings about the interventions which the parent trigger could request. The intent of these public meetings is to build the knowledge and capacity of parents about the options and impacts of interventions and their roles in improving the school. It is also “consistent with ESEA” since the notice is going to parents of students in “persistently lowest achieving schools.” We request reconsideration of this comment as follows:

…specific intervention pursuant to Education Code section 53300. The notice shall include the requirement that the LEA must hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the
school. At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest-achieving. This notice shall provide…

Response: This comment is neither accepted nor rejected at this time as the SBE has included this language as an option that the public may comment on, as set forth in Option 1 of Section 4800.5.

Comment: Section 4801(h) must be strengthened to protect students. Anecdotal evidence from the petition in Compton makes it clear that the welfare of both the parents and the students should be addressed by these regulations. The threat of a loss to a student’s educational opportunity is as concerning as a threat to a parent’s well-being, and such threats must be forbidden from practice in the execution of parent trigger. We recommend the language be edited as follows:

Signature gatherers may not offer gifts, rewards, or tangible incentives to parents or legal guardians to sign a petition, except that signature gatherers may discuss educational related improvements hoped to be realized by implementing the requested intervention option. Signature gatherers, parents, students and legal guardians shall be free from threats and intimidation related to circulation or signature of a petition.

Accept: Section 4801(g) has been amended to add “students” to those groups that shall be free from threats and intimidation, in addition to school site staff and LEA staff. In addition, Optional subsection (g), offered for public comment, also includes “students” to those groups that shall be free from threats and intimidation.

Comment: Section 4802(j) modifications still do not clearly disclose paid signature gatherers. Modified language only requires disclosure of a “contact” person who may be affiliated with supporters of the petition. Our comments intended to identify for a parent whether the signature gatherer is being paid, information that should be available to parents who are asked to sign a petition. We request clarifying this point as follows:

The names of any agencies or organizations that the person identified in subdivision (c) is affiliated with that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition, including whether signature gatherers are being paid.

Response: While Section 4802(j) has been amended to clarify that the names of any agencies or organizations that are providing financial, in-kind or volunteer support to the petition must be displayed on the petition, the Board has put forth for public comment an option that would go even further and require signature gatherers to disclose if they are being paid as set forth in Option 2 to Section 4801(g).

Comment: Section 4802.1(e) requiring no specific ratio of signatures from feeder schools should not unfairly control the outcome. By not requiring a specific ratio of signatures from matriculating schools, it is possible that only one or two signatures from parents in a single feeder school would enable the petition to reach the 50%
threshold. LEAs should be allowed to consider that in rejecting the petition and to ensure that there is meaningful support for the petition from parents from all feeder schools. We recommend that this section be edited as follows:

There is no specified ratio required of signatures gathered at each school; rather the total ratio of signatures gathered must meet the one-half requirement. The “ratio may be one factor considered by the LEA in approving or disapproving a petition.”

**Reject:** Requested language is beyond the scope of the statute. Section 53300 specifically refers to “a combination of at least one-half of the parents or legal guardians” at the subject school and matriculating schools. The suggested language is rejected as it is up to each using whatever factors are relevant for that determination.

**Comment:** Section 4802.1(j) should provide greater transparency to parents about approved and pending petitions, especially since this process is limited to 75 schools statewide. We recommend the following:

(j) The LEA shall notify the SSPI and the SBE in writing within ten business days of its receipt of a petition and within two business days of the final disposition of the petition. CDE shall post this information on its website. The notice of final disposition shall state that the LEA will implement the recommended option or include the written finding stating the reason it cannot implement the specific recommended option, including the compelling interest that supports such a finding, designating which of the other options it will implement and stating that the alternative option selected has substantial promise of enabling the school to make adequate yearly progress.

**Reject:** Information will be available to parents on the CDE Parent Empowerment Web site pursuant to section 4800.5 and may include such information. These SBE regulations do not need to mandate the reporting of this information for CDE’s website.

**SHERRY SKELLY GRIFFITH, ASSOC. OF CALIF. SCHOOL ADMINISTRATORS**

**Comment:** Section 4800. LEAs must be held accountable to the provisions of ESEA under Title I irrespective of intent stated in this section. If ESEA and Title I provisions change LEAs will need to comply with federal law even if the intent of this section is to supersede federal law.

**Reject:** Education Code section 53300 is state law and reflects intent to adopt provisions currently referenced in Federal law and there is no indication that the Legislature intended the parent empowerment intervention models to change if current federal models are changed in the future.

**Comment:** Section 4800.1. ACSA supports the definition proposed to define “normally matriculate”.

**Response:** No response required.
**Comment:** Persistently lowest-achieving will forever be locked into the list created on March 11, 2010 unless this definition is amended as follows

Is not one of the persistently lowest-achieving schools identified by the SBE on or after, March 11, 2010.

**Reject:** There is no current contemplation for the creation of a new Persistently Lowest Achieving Schools list.

**Comment:** The use of the term “compelling interest” is a legal constitutional standard. The CDE and SBE’s response on December 15 stated, “The term “compelling interest” is used to refer to its plain meaning and is not meant to refer to the constitutional standards that courts may invoke with respect to governmental restriction on constitutional rights and pursuant to Education Code Section 33031, the SBE has adopted rules and regulations that are consistent with the laws of this state.”

If the intent is to imply a “plain” meaning then ACSA recommends that be explicated stated as follows:

(1) Cannot implement the “specific recommended option” means that an LEA is unable to implement the intervention requested in the petition and has a compelling interest to support such a finding. **Compelling interest is defined as a plain meaning and is not meant to refer to a constitutional standard.**

**Accept:** Section 4800.1(l) has been amended to eliminate the reference to a “compelling interest” standard.

**Comment:** Section 4800.3. We support this language.

**Response:** No response required.

**Comment:** Section 4800.5. ACSA is concerned that LEAs will find it very difficult to notify parents the same day they receive notice from the state regarding Program Improvement status. We recommend the language be amended to reflect that the notice is provided at the same time parents receive the Program Improvement notice not the date the state notifies the district. Providing within the local notice, there is a CDE website is reasonable if the CDE elects to provide a website.

**Reject:** The commenter is misreading the regulation. Language currently reflects suggested timelines.

**Comment:** Mandating in regulation what should be in a local website when it’s not required under statute that LEAs have a website pursuant to EC section 53300, exceeds the authority of the SBE. EC section 53330 does not refer to enrollment data, attendance boundaries, how to sign a petition, how to contact community groups or others. These requirements should either be part of legislative amendments or in non-binding policy guidance from the state, not in permanent regulations.

**Reject:** Local website and content is permissive and not mandatory.

**Comment:** Section 4801. ACSA believes that the pupils attending the subject school and their parents should have a higher priority for determining the intervention then
parents and pupils matriculating outside of the school or outside of the LEA’s jurisdiction. Imagine if just 1% percent of parents in the subject school signed a petition and 99% of the signatures came from outside the school. This would allow a small disgruntled minority at the subject school and a large majority who do not attend the school to determine its fate. This is particularly troublesome if outside organizations attempt to manipulate the process. We recommend the following amendment to ensure priority is provided to pupils currently attending the subject school:

Lines 9-13 – “A petition must contain signatures of parents and legal guardians of pupils attending the subject school and may contain signatures of parents or legal guardians of pupils attending the elementary or middle schools that normally matriculate into the subject middle school or high school. At least 51 percent of the total signatures shall be from parents or legal guardians who have pupils currently enrolled in the subject school.

Reject: Section 53300 specifically refers to “a combination of at least one-half of the parents or legal guardians” at the subject school and matriculating schools. Suggested language is beyond the scope of statute.

Comment: We continue to oppose denying all legal parents or guardians the right to sign a petition. The proposed regulations conflict with current statutes which define legal parents and guardians holding the right to “determine the educational decisions” for their pupil. If two parents hold joint custody then they typically hold educational decision making authority. LEAs are required to honor these rights and notify all legal parents and guardians to the laws and regulations. This is explicitly defined pursuant to EC Section 56028. We believe denying one or more parents their right to exercise authority to determine education decisions is “inconsistent” with the laws of the state and therefore places the SBE in violation of EC section 33031 that regulations cannot be “inconsistent” with statute.

Reject: Parent signatures are aligned per pupil, thus, allowing more than one signature per pupil could skew reaching the required “at least one half”.

Comment: Not requiring a signer’s address or other contact information will make it virtually impossible for LEAS to verify signatures or contact a signer to verify a signature. Matriculating schools and LEAS will not release this information because the information is protected. Therefore if signatures are challenged particularly from matriculating schools, the LEAs will be set up to fail. The statute clearly gives LEAS authority to verify signatures which authorizes SBE to create a process to do so. Otherwise delays and legal challenges will result.

Response: Addresses and additional information are not necessary to verify signatures. In addition, language in 4802.1(b), as amended, is sufficient for verification purposes. Nevertheless, the comment is neither accepted nor rejected at this time as the Board has put forth for public comment options that would allow lead petitioners to assist with the verification process as set forth at Optional Section 4802.1.

Comment: This section is missing some key participants regarding intimidation and the protection of school site operations for the safety of students. It is critical that
petition gathering activities do not disrupt daily school operations or create any type of safety hazard for students.

ACSA recommends the following amendments:

Signature gatherers, parents and legal guardians, students, school site staff, school district staff and local neighbors surrounding the subject school shall be free from threats and intimidation related to circulation or signature of a petition. Signature gatherers shall follow all district and school requirements for entry and presence on school grounds and on or near a subject school. Signature gatherers shall not disrupt the operation of the school, its staff or students during regular school operations.

Response: The commented is accepted in that section 4801(h) has been amended to add students, school site staff and LEA staff as groups of persons that should be free from threats and intimidation. Also, the Board has put forth for public comment several options that would address this commenter’s concerns as set forth in Section 4801, Optional Subsections (g) and (h) except that “members of the community” is seen in Optional subsection (g) instead of “local neighbors.”

Comment: Section 4802. This section clearly adds that the petition must contain a heading that it is a Petition of Parents and others holding “the right to make educational decisions for pupils” therefore if two legal parents are presented with the petition they should both have rights to sign. Will the petition state that one or other must choose who has more rights? If divorced, does one of the legal parents have a right to be notified? Who mediates the decision on which legal parent signs?

Reject: Language referred to in section 4802 pertains to informing potential signers that they must hold educational rights on behalf of a pupil before they may sign the petition. The comments address the fact that only one parent/legal guardian may sign the petition on behalf of a pupil. Parent signatures are aligned per pupil, thus, allowing more than one signature per pupil could skew reaching the required “at least one half”.

Comment: Page 7, Lines 5-6 and 15-16. Thank you for adding “without omission” to ensure that parents fully understand the impact of the intervention and that an identified charter be clearly stated on the front page of the petition so parents fully understand the implications of their signature for all intervention models.

Response: No response required.

Comment: Page 7 – lines 18-22. We recommend the following amendment at the end of line 22 because it is imperative that parents fully understand what they are reading and signing. We believe the burden is on the petitioners to ensure no parent is without access that is transparent, in writing and in their primary language.

The petition shall be made available to parents in their primary language spoken at home, where 15% or more of the student population enrolled in a public school speaks a primary language other than English.
Response: The comment is neither accepted nor rejected at this time. The proposed language reflects Education Code section 48985, but is a requirement for translation of documents only if the documents are sent by the school or the LEA. Such proposed language may be beyond the scope of the statute but the Board is putting forth similar language for public comment as set forth in Optional new subsection 4801(j) and similarly in Optional new subsection 4802(l).

Comment: Section 4802.1. Page 8 lines 1-8. In order to improve the feasibility of LEAS to verify signatures we recommend the following amendments:

In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, the LEA may contact the school or the LEA of the school. The school or LEA contacted shall make every effort to contact the parent or legal guardian to assist the subject school or LEA in verifying their signature.

Response: The comment is neither accepted or rejected at this time. Verification is currently permissive and compelling LEA’s or schools contacted to make efforts to verify signatures for another school may be beyond the scope of the statutes. The Board puts forth for public comment a provision at Optional Section 4802.1(b) which would require a matriculating LEA or school to provide information to a subject school or another LEA that is necessary in order to assist with verification.

Comment: An LEA shall not invalidate the signature of a parent or legal guardian of a pupil on a technicality where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition. It shall be the responsibility of the lead on the petition to contact the parent or legal guardian if the subject LEA needs to confirm intent when a grievance has been filed or a signature has been challenged.

Response: The comment is neither accepted nor rejected at this time. Language similar to that suggested by the commenter has been put forth for public comment by the Board in Optional Section 4802.1(b) and (f).

Comment: Page 8 lines 9-12. We oppose this section. It is completely unfair and disingenuous to label a succeeding school as one that should receive intervention. We strongly recommend the following amendment which reflects current federal and state law:

If, on the date the petition is submitted, a school is identified pursuant to section 4800.1(k), it shall remain a subject school only if the school has not exited Program Improvement after two consecutive years and only if the school remains under 800 on the API, until final disposition of the petition by the LEA even if it thereafter ceases to meet the definition of a subject school.

Response: The comment is neither accepted nor rejected at this time as the Board has put forth for public comment two provisions which address the commenter’s concern. One would provide that a subject school remains a subject school unless it exits Program Improvement, as set forth at Section 4800.1, optional new subsection (k)(5) and the other provision would provide that a subject school ceases to be a
subject school when it exists Program Improvement and obtains an 800 or higher API as set forth at Optional Section 4802.1(c).

**Comment:** Page 9, lines 3-5. ACSA opposes this section that places no priority on the rights of parents from the subject school. We believe their signatures should carry greater weight than schools outside the LEA’s jurisdiction. We recommend the following amendments:

There is no specified ratio required of signatures gathered at each school; rather the total ratio of signatures gather must meet the one-half requirement, however 51% of the total signatures gathered should come the parents of the subject school.

**Reject:** Suggested language may be beyond the scope of the statute. Education Code section 53300 specifically refers to “a combination of at least one-half of the parents or legal guardians” at the subject school and matriculating schools and does not specify a required percentage from the subject school.

**Comment:** We recommend the following amendment:

In connection with the petition, the LEA may only contact parents or legal guardians to verify eligible signatures on the petition. Parents that are contacted may request information from the LEA regarding possible changes to the educational program of the subject school.

**Reject:** The suggested language is unnecessary as there is no prohibition on what parents may request in the way of information.

**Comment:** Page 9, lines 18-22. We believe there must be some boundaries concerning the resubmission of the same petition particularly if the LEA must make significant staffing changes to a subject school and meet applicable state statutes regarding March 15 layoff notices and other labor and management requirements. We recommend a timeframe within the same school year as follows:

If the petition is returned pursuant to section 4802.1(g), the same petition may be resubmitted to the LEA with additional signatures within 60 days or by March 1 whichever is later, as long as no substantive changes are made to the petition. If substantive changes are made to the petition, it must be recirculated for signatures before it may be resubmitted to the LEA. If the substantively changed petition is submitted it must be within 60 days or by March 1 of the same year, whichever is later.

**Response:** The comment cannot be accepted or rejected at this time. While section 4802.1(h) has been amended to remove the word “substantive” from the proposed text, a time limitation of one 60-calendar day period on a resubmitted petition has been included as an option offered for public comment, as set forth in Optional Section 4802.1(j), however the resubmission opportunity is only available if no “substantive” changes are made to the petition.

**Comment:** Page 9 – lines 28-32. Two business days to notify the state of the final disposition is too short. We recommend 10 business days.
**Reject:** Timeline is deemed reasonable.

**Comment:** Page 10, lines 1-4. ACSA recommends the response provided by CDE and SBE regarding “compelling interest” being a “plain” definition and not a constitutional standard, be inserted here (see earlier recommended language). **Reject:** Section 4802.1(j) has been amended to delete the reference to a “compelling interest” based on comments received by previous commenters, so the recommended amendment is no longer necessary.

**Comment:** Section 4802.2. This section is unclear whether parents will actually get to read the charter petition. It just states the parent signs the parent empowerment petition. We recommend that the petitioner must ensure each parent reads the charter petition in its entirety so they fully understand the changes the school will be under prior to signing the Parent Empowerment petition. **Reject:** Suggested language would not appear necessary and may be beyond the scope of the statute.

**Comment:** There are numerous challenges with this new section. A traditional conversion charter ensures that both parents and teachers approve of the school yet this option is denied under the proposed regulations and seems to conflict with some charter statutes. This seems in direct violation of SBE’s charge under EC Section 33031 to not promulgate regulations that are “inconsistent” with statutes.

Some key questions on Page 11:

What constitutes “immediate solicitation (sic) of charter proposals? How long must an LEA search for a charter option? Do they have to allow multiple sites? What if the petitioning parents don’t support the charter selected by the LEA? How can the petitioners “cure” through a revision of the charter when the petitioners were actually the Parent Empowerment petitioners and may not control the operation of an identified charter?

In addition to the above comments and recommendations ACSA remains concerned that these regulations ignore or seem to conflict with timelines and procedures LEAs must follow as it relates to collective bargaining. The regulations are silent on the impact on both certificated and classified staff.

Further the regulations ignore the rights of the minority of parents at the subject school and provide for no grievance procedure. This is particularly troubling if a school is closed down in a neighborhood. This has serious implications for families in communities who do not want to leave their neighborhood school. **Accept in part and reject in part:** Accept in that section 4802.2(d) has been added to address the timelines to solicit charter proposals and section 4802.2 has been amended and reordered to clarify procedures and align timelines to parallel the requirements set forth in the Charter School Act at Education Code section 47605. Reject in that these regulations seek to implement the Parent Empowerment statutes, and not the Charter School Act, and thus, while the regulations may reference and
apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter School Act.

GABE ROSE, PARENT REVOLUTION

Comment: Parent Revolution is a non-profit organization whose mission is to transform public education rooted in what is good for children by empowering parents to transform their low-performing schools through community organizing. We have been deeply involved in every aspect of the “Parent Empowerment” or “Parent Trigger” provision, from the negotiations during its drafting and passage to assisting parents on the ground in its implementation. We are extremely knowledgeable about its strengths and challenges, and care deeply about its ultimate successful implementation.

The work on implementing regulations for the Parent Trigger law began all the way back in July 2010, when emergency regulations were first written and published for public comment by the State Board. Shortly thereafter, work began on the permanent implementing regulations for the law. Over the summer, a working group of all interested stakeholders – organizations representing parents, organized labor, the statewide Parent Teacher Association, and others – began collaboratively working on ideas for the regulations, led by then-State Board Executive Director Theresa Garcia. Our organization participated in that working group along with roughly a dozen other organizations, sharing our ideas and thoughts on the regulations as they were being drafted.

On September 15, after several meetings of that working group and what must have been countless hours of work by California Department of Education staff members, the first draft of these permanent regulations were voted on and approved by the State Board. This triggered a 45 public comment period, which ultimately concluded on November 17. Our organization, along with roughly a dozen others, submitted public comments prior to the November 17 deadline. And on December 15, the State Board voted again to approve an updated version of the permanent regulations, the third version of these regulations. This triggered yet another public comment period for which this public comment is being submitted. Furthermore, were these regulations approved as is during the next State Board meeting, they would still have to be approved by the Office of Administrative with California law.

It is also important to note that Ben Austin, the Executive Director of our organization, recused himself from all Parent Law to ensure compliance Trigger votes and processes because of his involvement in advocating for the bill’s passage. We strongly believe that this same standard should apply to any other board member who was personally, deeply involved in advocating against the original bill’s passage.

In summary, these permanent regulations have been through almost four months of public scrutiny and comments. They have already been voted on three times by the State Board, with the next vote being their fourth. Additionally, this law is already being implemented in real time, with parents at one school in Compton having already
submitted sufficient signatures to successfully transform their school, a dozen states throughout the national introducing Parent Trigger legislation based on California’s groundbreaking law, and parents at dozens of other schools throughout our state beginning their own campaigns. The emergency regulations that are currently governing this process provide helpful basics, but are woefully insufficient for the needs of parents who are organizing to transform their schools.

Given the urgency of the current situation, the desperate need for the fair and thorough rules outlined in the latest draft of permanent regulations, and the extremely lengthy process through which these regulations have already gone, we strongly urge the State Board to act with the necessary urgency and approve this latest draft of implementing regulations. Parents throughout our state are attempting to use this historic law to transform the quality of education their children are receiving, and they are looking to the State Board for leadership.

The time for stalling and delay tactics is over; the time for action is now. Parents throughout California only get one chance to give their children the great public education they need for the future they deserve. We urge you to approve these regulations.

Response: No response required.

JO A. S. LOSS, CALIFORNIA PTA

Comment: Section 4800.5. The proposed revisions include notifications by letter including information regarding access to a proposed CDE website. There are no provisions for public meetings or clear, concise information. PTA welcomes the inclusion of language that requires notifications to be in the languages spoken in the home. However, we continue to have the following concerns:

California State PTA believes that the intervention models described in those sections are written in language that is neither meaningful nor accessible to most parents. Parents need access to clear, concise information that is straightforward, unbiased and not couched in education terms with opportunities for more detail as requested. Response: The comment is neither accepted nor rejected at this time. Nothing in statute or regulations preclude parents from accessing information as necessary. However, the Board has put forth for public comment several provisions which would expand the opportunities for information available to parents and legal guardians. Option 1 of Section 4800.5 would provide for at least two public hearings where parents and members of the community could obtain further information concerning the options most suitable for the school. Option 2 of Section 4800.5 would require that information on CDE’s website be available in multiple languages. Optional new subsection (j) of Section 4801 would require that the petition be translated pursuant to Education Code section 48985. Optional Section 4802.05(d) would provide a role of lead petitioners to assist and facilitate communication between the LEA and parents who have signed the petition.
Comment: California State PTA believes that to ensure the transparency of the process, the implications of the adoption of a specific model should also be disclosed, as well as who will be responsible for implementation.

Reject: Implications of the adopted models are likely to be subjective issues subject to unforeseen and idiosyncratic variables. The LEA is responsible for implementation of any specific model pursuant to Education Code section 53300.

Comment: California State PTA believes that the most meaningful parent engagement occurs when parents are provided with sufficient information to make informed choices about their children and their schools. To that end, we reiterate our belief that the parent empowerment provision would be significantly strengthened if in eligible school communities expressing interest in exploring this option, public meetings were held at the affected school site informing parents of the petition option and providing information about the allowable turnaround strategies that can be initiated by a successful petition campaign.

Response: The comment is neither accepted nor rejected at this time. The SBE has put forward for public comment Option 1 of Section 4800.5 which would require that two public hearings be held when a school has been notified that it is subject to a parent empowerment petition.

Comment: California State PTA believes that there should be specific language requiring materials be presented to parents with adequate time and in objective language so they can make informed decisions and be effective partners in their children’s education.

Response: The comment is neither accepted nor rejected at this time. Section 4800.5 has established a process for notifying parents regarding the petition process. The section also provides for additional information to be optionally provided by the LEA on their web site. The SBE has put forward for public comment Option 1 of Section 4800.5 which would require that two public hearings be held when a school has been notified that it is subject to a parent empowerment petition.

Comment: Section 4801. Limiting petition signatures to one parent for each child ignores the reality of today’s families. California State PTA believes that the current regulations unnecessarily, and possibly illegally, deny parents from blended and other nontraditional families their rights to be involved in the education decision making process for their children.

Reject: Parent signatures are aligned per pupil, thus allowing more than one signature per pupil could skew reaching the required “at least one half”.

Comment: Section 4802. Californian State PTA welcomes the addition of the requirement of disclosure of affiliations. We have advocated for this change to help ensure transparency. However, the regulations continue to be silent on paid signature gatherers. California State PTA remains opposed to paid signature gatherers in the petition process. However, at a minimum, if allowed, this must be clearly disclosed as part of content of petition.

Response: The comment is accepted in that language in section 4802(j) was sufficiently amended to clarify that the names of agencies or organizations supporting
the petition either through direct financial assistance or with “in kind” contributions of staff and volunteer support must be displayed on the petition, and that would include money paid to signature gatherers. The remainder of the comment is neither accepted nor rejected in that the Board has put forth for public comment an option that would require signature gatherers to disclose if they are being paid as set forth in Option 2 to Section 4801(g).

**Comment:** Additionally, on page 7, lines 3-6, there is a requirement that the petition include: "A description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807, without omission to ensure full disclosure of the impact of the intervention."

While we welcome the requirement for full inclusion of the descriptions of the requested intervention, California State PTA believes that the intervention models described in those sections are written in language that is neither meaningful nor accessible to most parents. Parents need access to clear, concise information that is straightforward, unbiased and not couched in education terms. We believe the petition should also inform parents where to go for more information.

**Reject:** Section 4800.5 provides that additional information may be provided by the LEA on its website. CDE will also have information regarding the parent empowerment process on its website.

**VIRGINIA STROM-MARTIN, LAUSD**

**Comment: Section 4800.1(g).** In Section 4800 (g.) What is the definition of “typical”? This does not take into consideration any changes in attendance boundaries. Since 2001 LAUSD has opened 101 schools. Twenty-seven more will be built before 2012. Obviously our building program has a direct impact on attendance boundaries. Clarification is still needed addressing the district’s attendance boundaries which are subject to revision because of our building program.

**Accept:** Section 4800.1(g) has been amended for further clarity that the policies must be “published policies” and “in place on the date the petition is submitted.”

**Comment: Section 4800(k).** Since Adequate Yearly Progress (AYP) reports are not released until September, when should parental notifications be issued? Do the regulations intend for that year to be a planning year for petitioning? There should be clarification that all four requirements of the AYP be met in Sec. 4800 (k.3).

**Reject:** AYP, by definition, includes all components.

**Comment: Section 4800(l).** The use of the term “compelling interest” is a legal constitutional standard. We recommend amending this language because it creates the notion of a higher standard. Moreover, this clearly oversteps the statute which only requires the LEA to “make a finding in writing stating the reason it cannot implement the specific recommended option…” (Ed. Code Section 53300) .We still take issue with the use of this term. It is confusing and unclear.

**Accept:** Section 4800.1(l) has been amended for clarity to delete the reference to “compelling interest.”
Comment: Section 4800.3. (Requirement to Serve All Pupils) Should add to line 27 after “…school is closed”, “or the parent/student opts out of a charter school if the restart into a charter school is implemented.”
Reject: Suggestion is already provided for in section 4800.3.

Comment: Section 4800.5 still does not clarify whether the year that the petition is submitted/granted can be the planning year or if the plan, if approved, needs to be implemented at the beginning of the next school year.
Reject: Statute states the implemented model shall be implemented in the subsequent year.

Comment: Section 4801. Clarification is needed as to what would constitute an appropriate “combination of signatures of parents.” For instance, is it sufficient to have 80% (of a total 50%) of parent signatures come from the feeder schools to the subject school. We understand that the revised regulations address “the total ratio of signatures gathered must meet the one-half requirement. Should add an affirmation from parent that the parent has reviewed the petition and understands that the requested intervention is “x” (what the petition states). Need to consider requiring a public hearing BEFORE the signature gathering process to ensure transparency and so the whole community is aware of what the proposed petition entails.
Response: The comment is rejected in that section 53300 specifically refers to “a combination of at least one-half of the parents or legal guardians” at the subject school and matriculating schools and section 4802.1(e) clarifies the ratio of signatures necessary when signatures are sought at more than one school. The comment about adding an affirmation is also rejected as the signature on the petition is the indicator that a person has signed a petition and agrees with it. The remainder of the comment regarding a public hearing requirement is neither accepted nor rejected at this time as the Board has put forth for public comment Option 1 of section 4800.5 which would provide for at least two public hearings where parents and members of the community could obtain further information concerning the options most suitable for the school.

Comment: Section 4802(a). Clarification is needed to address the fact that not all foster parents hold educational rights. Would this include homeless unaccompanied youth who have the right to be enrolled in a school without a parent under the McKinney Vento Act? LAUSD has a substantial population of these students. Language should clarify to mean foster parents that are “educational rights holder” or “responsible adults”.
Reject: Clarification regarding foster parents who hold rights to make educational decisions was already provided in the revision of 4800.1(h). 4802 (a) is the heading of the petition that specifies only persons holding rights to make educational decisions may sign the petition. Unaccompanied homeless youth under the McKinney-Vento Act have the ability to self-enroll in a school, but do not hold rights to make educational decisions for themselves but may have an educational representative sign a petition on their behalf.

Comment: Section 4802.1(a). If the LEA “may only contact parents or legal guardians to verify signatures on the petition.” If that is the case, which entity would
be responsible for policing this subdivision and ensure that there have been no violations. What are the LEA’s duties to ensure a fair and appropriate petition process? (In CDE’s Initial Statement of Reasons it states that the LEA “has discretion to verify signatures but is not required to do so. Since it is only discretionary for the LEA to verify signatures, what if an outside entity, parent or interested party demands a signature verification process? What would be the procedure and who would verify signatures?

**Response:** Verification of signatures is discretionary. A prescriptive process may be outside of the scope of the statute. Nevertheless, the comment is neither accepted nor rejected at this time as the SBE has put forward for public comment an optional provision which would require an LEA to ask identified lead petitioners to assist them in contacting parents or legal guardians for purposes of signature verification at Optional Section 4802.1(f).

**Comment:** Section 4802.1(f) states that: “In connection with the petition, the LEA may only contact parents or legal guardians to verify signatures on the petition.” LAUSD believes principals or schools officials should not be limited from discussing educational choices, curriculum, or other related issues with parents. This is too prohibitive. LEA should be able to discuss educational options and not be subject to restrictions. Consider deleting.

**Reject:** Verification of signatures is not the venue for educational options discussions.

**Comment:** Section 4802.1(j). The same comment regarding “compelling interest” language. On line 14 the term”, substantial promise”, seems to be a very loose and vague term in a regulation.

**Accept in part and Reject in part:** Accept in that Section 4802.1(j) has been amended to delete the reference to “compelling interest.” Reject in that, the term “substantial promise” reflects statutory language in Education Code section 53301(b).

**Comment:** Section 4802.2 (a), line 3. If the proposed intervention is for restart into a charter school, should the parent empowerment petition also have the actual charter petition containing the elements pursuant to Ed. Code 47605(b)(5) and other requirements to submit a charter petition?

**Response:** Accept in that Section 4802.2(a) has been amended for clarity to provide that a petition that seeks implementation of a restart model, and more specifically requests the school be reopened as a charter school under a specific operator or organization, must have attached the proposed charter for the school and that charter must contain comprehensive descriptions pursuant to EC section 47605(b)(5)(A) through (P). The remainder of the comment which suggests that every petition that seeks implementation of the restart model must attach a charter proposal is neither accepted nor rejected at this time as, the Board has put forth for public comment Option 1 of Section 4802(i), which would mandate that a petition requesting an LEA to implement a restart model must request that the school be opened under a specific operator or organization and clearly state that information on the front of the petition.

**Comment:** Section 4802(c), line 26. Deadline for final disposition within the 45 business days of submission of the petition does not match with Ed.Code 47605(b).
Under this proposed subdivision, the LEA would only have 20 additional business days to approve a charter petition. This needs additional clarification—also 47605(b) timelines are calendar days. Need to make it consistent so that the regulations are easier to determine.

Reject: Section 4802.2(b) establishes the requirement that an LEA must follow the provisions of section 4802.1 and first determine whether it will implement the requested intervention option or implement one of the other intervention options before considering a specific charter proposal. Similarly, Optional Section 4802.2 similarly requires that an LEA must first follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option. Both dispositions must be reached within 45 business days. Further both Section 4802.2(c) and Optional Section 4802.2(c) clarifies that the timelines set forth in Education Code section 47605(b) only begin after an LEA formally adopts the restart model as an intervention option.

Comment: In addition to the above comments and suggestions by LAUSD staff there continues to be an overriding concern in regard to conflicts with other state statutes and collective bargaining agreements. The intervention models described in the regulations contain many issues that are within the scope of bargaining: evaluations, working conditions, professional development, compensation, transfer and reassignment and seniority. While the district is presently involved in negotiating agreements with its two certificated employee unions, the regulations do not address the classified staff. Are classified employees, who may likely be impacted by these models, addressed in the regulations or even in the original intent of the legislation?

Reject: Section 4800.1(l) defines “cannot implement the specific recommended option” and allows for the LEA to explain the considerations and reasons for not adopting a requested intervention option. The considerations provided in the comment may be part of the deliberative process.

GARY RAVANI, CALIFORNIA FEDERATION OF TEACHERS

Comment: The CA Federation of Teachers recommends that the State Board of Education not adopt the proposed amendments to CA Code of Regulations, Title 5, Sections 4800-4808 (Parent Empowerment).

Reject: No suggestion made. Pursuant to Education Code section 33031, the SBE has authority to adopt rules and regulations that are consistent with the laws of this state.

Comment: The originating legislation for Parent Empowerment was adopted in a rush to comply with federal requirements for application to the Race to the Top competition. It would be appropriate to cease the rush and begin a more thoughtful process. This is particularly true since this state did not qualify for the Race to the Top federal funding provisions.

Collaboration between schools, parents and communities in an open and transparent manner are vital to the success of the schools and the students they teach. As has been demonstrated recently in Compton it is possible for outside forces, with their own agendas, to circumvent open communication and engage in gathering petition...
signatures secretly and from a select group of parents. Public schools are public and
dramatic changes to the composition of schools need to be done in a public fashion.
This did not happen in Compton and there is nothing in the current set of proposed
amendments that would insure that the Parent Empowerment process is conducted in
a fashion that meets the criteria demanded by California's open government
requirements. These regulations are more likely to generate lawsuits than improved
educational prospects for children.

Again, the Early Childhood/K-12 Council recommends that the State Board not adopt
the proposed amendments and, in fact, hold the process of Parent Empowerment
implementation in abeyance until a task force, including all stakeholders, can be
convened and develop a consensus agreement on how Parent Empowerment can be
implemented in a productive, rather than a disruptive, manner.

This process should emphasize collaboration and openness and include all parents,
school staff, community members, and the local board of trustees.

**Response:** In addition to the public input provided by stakeholders throughout the
regulatory process, the State Board of Education, at its February 2011 meeting,
directed the CDE to hold meetings with stakeholders for the purposes of collaboration
and exchange of ideas. As discussed below, meetings with stakeholders were held
on February 22 and March 30, 2011 respectively. These regulations are a reflection
of input received at those meetings, as well as input received pursuant to the
regulatory process.

In addition to holding a 15-day public comment period between December 23, 2010 and
January 6, 2011, CDE, on behalf of the SBE, convened two meetings of interested
stakeholders. The first meeting, held on February 22, 2011, discussed only emerging
issues and topics resulting from submission of the first petition to an LEA under the
statute, identified topics in the statute that might benefit from regulatory clarification and
sought to gain an understanding of conflicting points of view regarding the
operationalization of the statute. The proposed regulations were not discussed at this
meeting nor were comments received relating to the language in the proposed
regulations.

The second meeting of interested stakeholders, held on March 30, 2011, was also
attended by members of the public, and the proposed regulations that had been sent
out for a 15-day public comment period between December 23, 2010 and January 6,
2011 were discussed. The following are comments received from members of the public
in attendance at the meeting, prior to commencement of the meeting, followed by SBE’s
response.

**JUAN GODENIZ, President of the District English Learner’s Advisory Committee
and Parent Collaborative, Los Angeles Unified School District**

**Comment:** Parents are out there that could have helped with this workgroup.

**Reject:** Comment not specific to proposed regulations. The workgroup was
constructed to include representation of stakeholders, which included parents.
Comment: Information by the LEA should not be “may”. If the LEA has the choice of “may”, they aren’t going to do it.
Reject: No specific regulation referred to. Mandating requirements may be beyond the scope of the statute.

Comment: There should be a role for parents after the new group takes over. Parents’ roles should not be just signing the petition.
Reject: Education Code 53300 does not address parental involvement subsequent to the petition signature process. Regulations are developed to operationalize statute.

Comment: In case there are complaints, there should be a streamlined complaint process in case things don’t go as planned.
Reject: Suggestion may go beyond the scope of the statute. Moreover, complaint processes are already established in California law.

Comment: Signatures from the feeder schools shouldn’t count – only signatures from the subject school should count.
Reject: Parent Empowerment statute specifically allows for the option of including signatures of parents and legal guardians of students enrolled in schools that may matriculate into a subject school.

WALTER RICHARDSON, Vice-Chair of the Los Angeles Unified School District Advisory Committee:

Comment: California isn’t entitled to Race To The Top (RTTT) [funds]. I am trying to understand what can be done so California is part of RTTT.
Response: Comment not specific to proposed regulations.

Comment: Some words should be taken out – there are too many “mays” and the districts don’t do much of what “may” says.
Response: Comment not specific to a particular regulation. Regulations may not exceed the scope of the statute.

Comment: There are two constants: The parents and the students and the students are the ones that generate the funds, so don’t tie parents’ hands so that they don’t have meaningful input.
Response: Comments not specific to proposed regulations.

Comment: The districts should be mandated to provide an explanation of empowerment.
Response: Districts may, but do not have to, provide a website which provides information on the parent empowerment statute. Nevertheless, an optional provision has been included in Section 4800.5, Option 1, which would require that the LEA hold public hearings to notify parents and the community of a school’s designation as a parent empowerment school and regarding the option or options most suitable for the school.
At the end of the workgroup on March 30, 2011, there were four speakers who made public comments. The following are the comments made, followed by CDE’s response.

WALTER RICHARDSON, Vice-chair of the Los Angeles Unified School District Advisory Committee

Comment: It’s important that we get things right. We are talking about permanent empowerment regulations. We are talking about children – they are our future
Response: Comment not specific to proposed regulations.

Comment: There were some things about Charter schools that the group didn’t get to. I hope each of you can take some time to send in recommendations that you didn’t get to.
Reject: All public comments that have previously been submitted will be considered but there is no further comment period contemplated for this set of proposed regulations.

JUAN GODENIZ, President of District English Learner’s Advisory Committee at Los Angeles Unified School District

Comment: Parents need access to speak in a public meeting. Sometimes they are not allowed to speak if you are not given a card.
Response: There is no language in the regulations that precludes parental input. Nevertheless, optional language has been included in Option 1 of Section 4800.5 which, if adopted, would require that two public hearings be held to seek input from staff, parents and the community regarding the parent empowerment option or options most suitable for the school.

Comment: By the time this is figured out, they are in the process five or six years and the parents don’t have a chance to petition (sic).
Reject: Regulations provide for a structured timeline for the petition process.

LEE ANGELA REID, Senate Office of Research

Comments were in the form of procedural questions that were requested to be on the record.

- April 21 there will be a board hearing and if they agree on the regulations, they will go out for another 15 day comment period. CDE will put together its best guess of the intent of the workgroup. Given that there is a 10 day notice for the board – when will this be available for the public to view because there are going to be people who want to talk prior to the board hearing. There will be lots of people who will want to comment at the board hearing. There may be comments that haven’t been incorporated and I would ask that this be looked at.
• What if the board doesn’t approve the regulations?

• We have legislation moving through, so there is a reason why we are watching it from across the street.

• We also ask that any other workgroups not be held on Wednesdays as both the assembly and the senate education policy committees meet that day.

• What is the CDE interpretation of the ratio relative to the feeder metric?
  **Response:** No response required.

**MARLENE FONG, California Teachers’ Association**

**Comment:** The element of parent empowerment is the School Site Council (SSC) and I haven’t heard anything about this. These are not SIG schools. They are not funded under the SIG process and if they choose one of the intervention models, there will be no funding for them and in terms of the general fund budgets for our schools, they won’t be able to sustain the recommended changes that come out of one of the intervention models.
  **Reject:** District and schools that accept federal funding maintain accountability through current federal and state laws. The petition process does not invalidate federal funding and federal accountability process.

**Comment:** The fallback is categorical funds that are under the SSC purview. Nowhere in the education code, or in these regulations is it mentioned that the SPSA must be revised to address how they are going to be using these categorical funds as it relates to the intervention model that they choose; so I want this to be on public record that there needs to be role of the SSC addressed in these regulations even though it just addressed the petition process, but what happens after the intervention is chosen?
  **Reject:** District and schools that accept federal funding maintain accountability through current federal and state laws. The petition process does not invalidate federal funding and federal accountability process.

**Comment:** I have a real concern about the due diligence that a school district has to make in the effort to show the accountability and making efforts to provide the public hearing and the stature for this intervention process. It’s really their due diligence regardless of how the public might feel about the role of the school district and whatever perceptions they may have of the school district
  **Reject:** The Parent Empowerment statutes and regulations do not preclude district accountability.

The following comments are from the Parent Empowerment workgroup convened on March 30, 2011. These comments represent the consensus of concerns from workgroup participants in a general discussion of the proposed regulations. The participants involved in the workgroup discussion were Marguerite Noteware, California...
School Boards' Association; Gary Ravani, California Federation of Teachers; Bill Ring, Los Angeles Unified School District Parent Collaborative; Priscilla Winslow, California Teachers' Association; Patty Scripter, California Parent Teachers' Association; Eric Premack, Charter Schools Development Center; Colin Miller, California Charter Schools Association; Katie Valenzuela, Public Advocates; Lucy Okuma, Strategic Counsel representing Compton Unified School District; and Gabe Rose, Parent Revolution

Comment: Clarification is needed regarding what signatures are counted. Enrollment is a better indicator than attendance at school.
Accept: Clarification regarding what signatures are counted has been added; the regulations have been amended to use the term “enrollment” rather than attendance. Section 4802.1 has been amended to read:

(d)(e) If a petition has sought only signatures of parents of pupils attending the subject school, then for purposes of calculating whether at least one-half of the parents or legal guardians of all students pupils attending the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending enrolled in the subject school on the date the petition is submitted to the LEA shall be counted.

Comment: Only an LEA’s published policies and practices concerning matriculation should be relied upon.
Accept: Section 4800.1 has been amended to read:

(g) “Normally matriculate” means the typical pattern of attendance progression from an elementary school to a subject elementary school, from an elementary school to a subject middle or high school or from a middle school to a subject high school, as determined by the LEA(s) pursuant to established attendance boundaries, published policies or practices in place on the date the petition is submitted.

Comment: There should be a “point in time” set for determining whether the one-half threshold has been met.
Reject: There is already a “point in time” set for determining whether the one-half threshold has been reached are the signatures on the petition on date of submission, per section 4800.1(j)(g) “Pupils attending the subject school or elementary or middle schools that normally matriculate into a subject middle or high school” means a pupil attending enrolled in the school on the date the petition is submitted to the LEA.

Comment: CDE should publish a sample petition for parents to be able to use.
Response: The comment is neither accepted nor rejected at this time as the Board has put forward for public comment optional language in Optional new subsection 4802(l) which would require that CDE develop a sample petition that can be used by interested petitioners and make it available on its website and for distribution by LEAs.

Comment: There should be a uniform verification process used by the LEAs.
Reject: Verification by the LEA is permissive. Mandating such a process might be construed as an unfunded state mandate.

Comment: Section 4801(g) should be expanded to include other groups of people and to include harassment as a prohibited activity.
Accept: Section 4801(g) has been amended to read:

**. . . . Signature gatherers, students, school site staff, LEA staff, and parents and legal guardians shall be free from harassment, threats, and intimidation related to circulation or signature of a petition.**

Comment: The LEAs should be required to hold public meetings when a petition is submitted.
Response: The comment is neither accepted nor rejected at this time as the SBE has put forward for public comment optional language in Option 1 of Section 4800.5 which, if adopted, would require that two public hearings be held to seek input from staff, parents and the community regarding the parent empowerment option or options most suitable for the school.

Comment: A statement should be added to the regulations prohibiting the making of false statements of facts to induce signatures.
Response: The comment is neither accepted nor rejected at this time as the Board has sought public comment on optional language in Optional Subsection 4802(g) which would, if adopted, prohibit signature gatherers from making false statements or false promises of benefits to parents or legal guardians in order to persuade them to sign a petition.

The following statements are various concerns voiced in the workgroup; however, consensus was not reached within the group. The statements represent new concerns that have not been addressed in previous written public comment by the participants or the organizations they represent.

Comment: The verification process should include a third party verification procedure.
Reject: LEA signature verification is permissive and to mandate a third party as part of the verification process is beyond the scope of statute.

Comment: The LEAs should be required to maintain a website for parent notification that includes which schools in the district are subject to the provisions of the Parent Empowerment statutes.
Reject: Maintaining an LEA Parent Empowerment website is permissive. Requiring an LEA to maintain a Parent Empowerment website is beyond the scope of the statute and may be an unfunded state mandate.

Comment: Parent Empowerment petitions should have a description of all options on each petition, not just the model for which the petition is being circulated.
Reject: Requiring requested information is extraneous to the petition process.
Comment: The County Office of Education should be the verification agent.

Reject: Verification is permissive and requested language is outside the scope of the statute.

After the 15-day comment period, and following the public meeting of stakeholders on March 30, 2011, changes were made to the proposed text of the regulations by CDE staff and presented to the SBE at its April 21, 2011 meeting. At this meeting, various stakeholder groups presented their own amendments, some of which consisted of additional proposed language and some which included replacements of entire sections or subsections. The SBE voted to approve putting forth for public comment the changes proposed by CDE staff, as well as approve particular portions of the stakeholders’ suggested amendments and suggested amendments by SBE Member James Ramos, as “options” for public comment. All of the changes that have been made to the proposed text of the regulations are denoted by shaded underline and/or shaded strikeout. The changes that are being proposed as options for public comment are shown in brackets [shaded italics underline] and denoted by the word OPTION or OPTIONAL in the text of the proposed regulations. Note that renumbering and/or relettering changes were made throughout the regulations to accommodate amendments, additions and deletions. In addition, minor grammatical changes were made where appropriate.

WHEREFORE, THE SBE SENDS OUT FOR A SECOND 15-DAY COMMENT PERIOD THE CHANGES MADE BY CDE STAFF TO THE PROPOSED TEXT OF THE REGULATIONS, AS WELL AS PROPOSED OPTIONS FOR POTENTIAL INCLUSION IN THE FUTURE.

SECTION 4800.1

SECTION 4800.1(g) is amended to establish the date of the petition’s submission as a point in time to establish the matriculation pattern for the petition process. It also provides that any policies or practices should be published. The amendment further clarifies that, in some cases, an elementary school can matriculate into a subject high school.

SECTION 4800.1(h) is amended to clarify that the determination of whether an individual is to be deemed a parent or legal guardian for purposes of the parent empowerment regulations is determined by whether the individual meets the requirements on the date the petition is submitted to the LEA.

SECTION 4800.1(j) is amended to clarify that a pupil only needs to be enrolled in the school on the date a petition is submitted since a pupil’s attendance on a particular day may be difficult to determine.
OPTIONAL SECTION 4800.1(k)(5) is an optional new subsection proposed by a stakeholder which, if adopted, would require that a subject school that exits Program Improvement no longer be identified as a subject school.

SECTION 4800.1 (l) is amended in response to a public comment received during the 15-day comment period that imposing a “compelling interest” requirement was outside the scope of the parent empowerment statutes. It was also amended to clarify that Education Code section 53300 requires that a written finding be made at a regularly scheduled public meeting if the LEA cannot implement the specific recommended option requested in the petition.

SECTION 4800.1(m) adds a new definition for matriculating schools in order to provide additional clarity throughout the regulations.

SECTION 4800.5

SECTION 4800.5 has not changed except now it includes two optional provisions within it proposed by separate stakeholders, either or both which the Board may choose to adopt in the future.

Option 1, if adopted, would provide that the notice sent from the LEA must include the requirement that two public hearings will be held to discuss the school’s designation as a school subject to restructuring planning or restructuring status at which time input will be sought regarding the options most suitable for the school. It would also provide that at least one of the two meetings shall be held at a regularly-scheduled meeting, if applicable, and at least one of the meetings at the site of the school deemed to be persistently lowest achieving.

Option 2, if adopted, would require that information posted on CDE’s website pertaining to Parent Empowerment be available in multiple languages.

SECTION 4801

SECTION 4801(a) was repetitive of subsection (b) so (a) has been stricken and subsection (b) has become subsection (a) and is amended to clarify who may sign a parent petition and to clarify that a petition may not contain only those signatures of parents and legal guardians of pupils attending matriculating schools.

SECTION 4801(g) is amended to add students, school site staff and LEA staff, to the class of persons to be protected from threats and intimidation, in addition to signature gatherers. It also adds “harassment” as a prohibited activity.

It also includes two optional provisions proposed by stakeholders, either or both of which the Board may adopt. If adopted, the optional provisions would make the following changes.
OPTION 1, if adopted, would add “community members” among the class of persons to be protected.

OPTION 2, if adopted, would also provide that signature gatherers shall disclose if they are being paid and shall not be paid on a per signature basis. These optional provisions are denoted as Options 1 and 2 for reference purposes.

OPTIONAL Section 4801(g) includes many of the same provisions as Section 4801(g) in that it prohibits signature gatherers from offering gifts, rewards or tangible incentives to parents or legal guardians, adds students, school site staff, LEA staff and community members as groups of persons to be free from threats and intimidation, adds harassment as an activity from which these groups should be free and provides that signature gatherers may discuss educational related improvements hoped to be realized by implementing the requested option. Optional Section 4801(g), however, is different in that it would also prohibit signature gatherers from making threats, false statements or false promises in order to prevent parents or legal guardians from being unfairly persuaded to sign a petition. It would clarify that, in addition to signature gatherers, school site staff or other members of the public may discuss education related improvements hoped to be realized by the intervention requested. It would also more specifically set forth that actions “related to circulation of a petition or signature of a petition” includes the discouraging of signing a petition or revoking signatures from a petition.

OPTIONAL SECTION 4801(h) is an optional new subsection proposed by a group of stakeholders that would, if adopted, clarify that all parties involved in the signature process must adhere to the school’s policies and procedures when on the school site.

OPTIONAL SECTION 4801(i) is an optional new subsection proposed by a group of stakeholders which would, if adopted, provide that school or LEA resources shall not be used to influence the signature gathering process.

OPTIONAL SECTION 4801(j) is an optional new subsection proposed by a stakeholder that would, if adopted, require that petitions be translated into other languages pursuant to Education Code section 48985.

SECTION 4802

SECTION 4802(i) offers three separate options within Section 4802(i), any or all of which may be adopted.

OPTION 1 within Section 4802(i), if adopted, would replace “may” with “shall” so that a request to an LEA to implement the restart model shall also request that the school be opened under a specific charter school operator, charter management organization or educational management organization.

OPTION 2, proposed by a group of stakeholders, if adopted, would require that a petition to implement a restart model that requests that the school be opened under a
specific operator or organization include contact information for the operator or organization on the petition.

OPTION 3, proposed by SBE Member Ramos, if adopted, would provide that a petition that requests that the school be opened under a specific charter school operator, charter management organization or educational management organization must disclose that parents have the option of signing a petition that does not designate a specific charter school operator, charter management organization or educational management organization.

SECTION 4802(j) is amended to identify on the petition all agencies or organizations supporting the petition, rather than just the agencies or organizations that are affiliated with the contact person identified in section 4802(c).

OPTIONAL SECTION 4802(k) is an optional new subsection proposed by a stakeholder which, if adopted, would provide that a petition requesting a restart model, and more specifically a charter school, shall state that if the LEA provides for parent advisory committees or alternative programs, those committees and programs will not be available for a charter school nor is a charter school required to comply with the parent waiver requirements of Education Code sections 310 and 311.

OPTIONAL SECTION 4802(l) is an optional new subsection proposed by a group of stakeholders which, if adopted, would provide that the CDE shall develop a sample petition, place the sample petition on its website and make the petition available in other languages pursuant to Education Code section 48985. It would further clarify that that petitioners will not be required to use the sample petition but that any petition used must meet all statutory and regulatory requirements.

OPTIONAL SECTION 4802.05

OPTIONAL Section 4802.05 is an optional new section proposed by a group of stakeholders which, if adopted, would provide for the following:

1) Prohibit petitioners from submitting a petition to an LEA until they have reached the necessary one-half requirement;
2) Clarify that the date of submission of the petition is the start date for implementation of all statutory and regulatory requirements;
3) Provide that, if the LEA returns a petition for deficiencies, the petitioners shall only be allowed one-time to correct the deficiencies;
4) Clarify that the start date for a resubmitted petition is the date the petition is resubmitted to the LEA;
5) Specify that no "rolling" petitions may be accepted;
6) Require a separate document accompany a submitted petition identifying up to five persons to act as lead petitioners and include their contact information; and
7) Clarify that the lead petitioners are to assist and facilitate communication between parents and the LEA and are not to make decisions or negotiate on behalf of the parents.
SECTION 4802.1

SECTION 4802.1(b) is amended to provide more specific direction for a signature verification process in the event the LEA chooses to verify the signatures. It also deletes the provision prohibiting LEAs from invalidating signatures based on a technicality where the intent was to support the petition. This deletion was based upon comments received that this language is vague and would be difficult for LEAs to implement or any court to enforce.

SECTION 4802.1(d) is amended to maintain consistency with amendments made to section 4800.1(j).

SECTION 4802.1(e) is amended to reflect consistency with section 4800.1(j) and the definition of “matriculating school” in section 4800.1(m).

SECTION 4802.1(g)(3) is amended to delete superfluous language.

OPTIONAL SECTION 4802.1(g)(4) is an optional new subsection which, if adopted, would permit an LEA to return a petition on the basis that the petition was not translated into the number of languages required by Education Code section 48985. This amendment would only be necessary to include in the event that the regulations adopted required petitions to be translated into other languages pursuant to Education Code section 48985.

SECTION 4802.1(h) is amended to clarify that if any changes are made to a petition, it must be recirculated for signatures.

SECTION 4802.1(j) is amended in response to public comment to 4800.1(l) received during the 15-day public comment period and amended to conform with the changes made to that section.

SECTION 4802.1(k) is amended for grammatical purposes.

OPTIONAL SECTION 4802.1 if adopted, would amend Section 4802.1 in several ways:

1) It would set forth a particular manner of verification that LEAs can use if they choose to verify signatures;
2) Require matriculating schools and LEAs to cooperate when an LEA of a subject school is attempting to verify signatures and require each of these entities to make efforts to contact parents and guardians when a signature is not clearly identifiable;
3) It would clarify that a subject school ceases to be such when it exits Program Improvement program and obtains an 800 or higher API;
4) Provide that any lead petitioners must assist in several ways with the verification process if an LEA is having difficulty verifying signatures;
5) Set forth limits on how and when a petition may be resubmitted to an LEA after it has been rejected as incomplete and deem any resubmitted petition to be a new petition if it has been substantively changed and

6) Make changes to a number of process timelines and changes the reference from “at least one-half of the parents or legal guardians of all pupils” to “parents and legal guardians of at least one-half of pupils” throughout.

SECTION 4802.2 makes several changes and includes several options, any or all of which may be adopted.

1) It renumbers and restructures the section for clarity purposes.

2) It clarifies that when a petition requests a restart intervention model, whether or not it designates and attaches a particular proposed charter, the LEA must first determine whether it will implement the requested intervention option of restart before it will begin to either conduct a rigorous review process on a proposed charter or seek to obtain a proposal for a specific charter school operator (CSO), Charter Management Organization (CMO) or Educational Management Organization (EMO). The prior version of Section 4802.2 provided that the LEA must first determine whether to adopt a restart model, if requested, before acting to approve or deny a charter but it also provided that the rigorous review process could take place before the LEA had determined whether it could implement the restart model.

3) It modifies the timelines relating to the rigorous review process.

4) PROVIDES OPTIONAL LANGUAGE IN SUBSECTION (c) to clarify that none of the signature requirements set forth in Education Code section 47605 are necessary for a parent empowerment petition which seeks a restart model and specifically a charter school. Due to a typographical error, the citation to section 47605 in subdivision (c) did not mirror prior versions.

5) OPTIONAL SUBSECTION (d) proposed by Member Ramos, would, if adopted, provide that if an LEA has adopted the restart model as its final disposition but petitioners did not request a specific CSO, CMO or EMO, then the LEA shall promptly notify the petitioners and give them the opportunity to solicit proposals from potential operators. If petitioners opt to solicit such proposals, they must submit them to the LEA. If the petitioners decline to do so, then the LEA shall act to solicit proposals within 15 business days.

6) OPTIONAL SUBSECTION (e) also proposed by Member Ramos, would, if adopted, provide that where petitioners opt to solicit a charter proposal pursuant to optional subsection (d), then upon submission of the proposals to the LEA, the LEA shall conduct the rigorous review process set forth in Education Code sections 47605 (b)-(h), (j)(1) and (l), except that the timeline in (b) only begins once the LEA receives the proposal. Where the LEA solicits a charter proposal because petitioners have declined to do so, the LEA shall conduct the same rigorous review process.

7) OPTIONAL SUBSECTION (g) would, if adopted, require that if an LEA is choosing a charter school as the result of a parent empowerment petition, it must inform parents that parent advisory committees or alternative programs provided by the LEA will not be available for a charter school and that the
A charter school is not required to comply with the parent waiver requirements of Education Code sections 310 and 311.

**OPTIONAL Section 4802.2**, as proposed by a group of stakeholders, would, if adopted, make the following changes:

1) While it would similarly require that a petition requesting adoption of the restart model and, more specifically, a particular CSO, CMO or EMO, must conduct a rigorous review process as set forth in Education Code section 47605(b), with the exception of section 47605(b)(3), it eliminates the provision that the timelines of the rigorous review process do not begin until 25 business days after the petition is received by the LEA.

2) While it similarly provides that a petition that requests a restart model but does not request that it be run by a specific CSO, CMO or ESO, requires an LEA to solicit proposals, it would specify that the solicitation period cannot exceed 90 calendar days.

3) It would give an LEA the choice when a restart petition does not designate a specific CSO, CMO or EMO of either soliciting proposals itself or direct the parents to submit proposals within 90 calendar days and clarify that such proposals would then go through the same rigorous review process set forth in section 47605(b), with the exception of (b)(3).

4) It would provide that if the parents request a restart model and designate an EMO to operate the school, the LEA shall work in good faith to contract with a provider selected by the parents. In the absence of parental input, the LEA would have to solicit proposals from EMOs and would choose one using the same rigorous review process, unless it determines it is unable to implement the restart model.

**Section 4808** includes an Option, proposed by a stakeholder group, which, if adopted, would clarify that any actions taken in reasonable reliance upon the emergency regulations are deemed in compliance with these regulations, but only to the extent permitted by law.

**COMMENTS RECEIVED DURING THE PERIOD THE SECOND 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC**

The modified text was made available to the public from May 25, 2011 through June 9, 2011, inclusive. Ten written submissions representing 129 comments were received during the second 15-day comment period. Pursuant to Government Code sections 11346.9(a)(3) and (a)(5), California Department of Education (CDE) staff, on behalf of the SBE, has summarized and responded to those comment as follows:

**LIZ GUILLEN – Public Advocates**

**Comment:** Option 1 of 4800.5 should be adopted to ensure that parents are fully informed of their rights. Since the proposed regulations piggy-back the parent trigger
information onto this notification “consistent with” ESEA, and the intent of the parent trigger is to empower parents, it is reasonable to also require districts to include in that notice the right of parents to two public meetings about the interventions which the parent trigger could request.

Reject: Education Code section 53300 through 53303 do not mandate a public hearing except that an LEA must make a finding in writing at a regularly scheduled meeting stating the reason it cannot implement the specific recommended option if it does not implement the requested intervention option. Section 4800.5(a), however, has been amended to state that the CDE shall provide a Parent Empowerment website for parents and guardians to obtain further information on circulating a parent empowerment petition. There is nothing in this section that precludes parents and interested stakeholders from convening a meeting to discuss the petition process.

Comment: Option 2 of 4800.5 should be adopted to ensure full transparency and that parents are fully informed throughout the process. The Parent Empowerment process, and all public postings made by the CDE on their website, should be subject to the language notification requirements in Education Code section 48985, which requires that any written communication to parents be in the primary language spoken at home, where 15% or more of the student population of the school speaks that primary language. Notices regarding the parent petition right and the public hearing and input right should be in a language that parents and community members understand so that they can participate effectively in the school turnaround process. Further, public hearings or meetings should make available translation for non-English speaking parents of students in schools slated for turnaround.

Reject: Section 4800.5 Option 2 is deleted in its entirety. This deletion is necessary because it would have been logistically and financially difficult to translate “any information on the CDE website”. However, section 4802(k) has been added to provide that CDE shall develop a sample petition that can be used by interested petitioners. The sample petition shall be available on the CDE website for interested petitioners to use. The CDE shall make the sample petition available in other languages pursuant to Education Code section 48985.

Comment: Section 4801 (a) should not be deleted. Enrollment at ALL matriculating schools should be the denominator for the number of signatures required when parents from those schools participate in the Parent Empowerment process. Otherwise parents of only one or two of multiple feeder schools may determine the outcome of a subject school that serves pupils from ALL feeder schools. This section should be amended to state the following:

A petition shall contain signatures of parents and legal guardians of pupils attending the subject school, or may contain a combination of signatures of parents and legal guardians of pupils attending the subject school and signatures of parents or legal guardians of pupils attending the matriculating schools. A petition may not consist solely of signatures of parents or legal guardians of pupils attending the matriculating schools, and the enrollment at all of the matriculating schools shall be counted when determining the 50% threshold for petition signatures.
Reject: Section 4801(a) is amended to clarify who may sign a parent petition and to clarify that a petition may not contain only those signatures of parents and legal guardians of pupils attending matriculating schools. This is done to prevent confusion. Also, the reference to “signatures of parents or legal guardians of pupils attending the matriculating schools” reflects the statutory language. However, definition of matriculating schools at section 4800.1(m) clarifies that it includes all schools that normally matriculate.

Comment: Adopt Optional Subsection (g), to replace 4801 (g). This section is more thorough, and adds false promises of benefit or false statements to the list of prohibited activities during the petition process.

Accept: Optional section 4801(g) has been adopted and has been amended to add that signature gatherers shall disclose if they are being paid, and shall not be paid per signature. Optional section 4801(g) was adopted in response to public comment.

Comment: Adopt Option 2 for 4801 (g) to disclose whether signature gatherers are paid. The practices identified in proposed subsection (g) should include whether signature gatherers are paid by the organizations sponsoring the petition or on the basis of the signatures they acquire.

Accept in part and reject in part: Accept in that Optional section 4801(g) has been adopted and has been amended to add that signature gatherers shall disclose only if they are being paid, but reject in that section 4801(g) does not require that the signature gatherers disclose the organization paying them whether on the basis of acquired signatures. However, Section 4802(j) requires that the names of any agencies or organizations that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition. Optional section 4801(g) requires that petition gatherers shall not be paid per signature.

Comment: Adopt the Optional Section 4801(h) that requires all parties to abide by school site visitation rules. The petition process should be a minimally disruptive to the day-to-day operations of the school as possible, so students are not overly impacted by the petition process.

Accept: Section 4801(h) is added to incorporate the language proposed in Optional New Subsection 4801(h).

Comment: Adopt Optional Section 4801 (j) regarding language translation requirements. The ability to read and understand the petition is critical for a parent’s ability to make an informed decision about their children’s school. We are concerned that petitionerers could avoid soliciting signatures from non-English speaking parents and still meet the signature threshold requirement. The proposed regulation makes that less likely, though it would still be possible for petitionerers to ignore the interests of non-English speaking parents if they comprise fewer than 50% of the total of parents/legal guardians.

Reject: Optional New Section 4801(j) is deleted in its entirety. This deletion is necessary because the language was unclear as to how it would apply to the signature gathering process and Education Code 48985 applies to notices and
documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.

**Comment:** Adopt Option 3 for Section 4802 (i) regarding choosing a specific charter when implementing the restart model. Option 3 ensures that all parents, including those who may not sign the petition, would have the opportunity to vet and select a charter operator if the petition selects a restart model, while also giving flexibility to the petitioners to select a specific operator through the petition.

**Reject:** Section 4802(i) Option 3 is deleted. This deletion is necessary based upon the comments received during public comment and the recommendation of a stakeholders group that this language may be confusing to parents.

**Comment:** Adopt Options 1 and 2 to Section 4802 (i) regarding contact information for the charter operator, if selected through the petition. This amendment will help parents understand which charter school, organization or operator being requested. Option 3 conflicts with Options 1 and 2, and should not be adopted.

**Reject in part and accept in part:** Reject in that Option 1 is deleted. This deletion is necessary based upon the comments received during public comment and the recommendation of a stakeholders group. Mandating petitioners to request a specific charter operator, charter management organization or education management organization may be contrary to Education Code 53300. Accept in that the language in Option 2 is added to this subsection. Finally, Option 3 is deleted. This deletion is necessary based upon the comments received during public comment and the recommendation of a stakeholders group that this language may be confusing to parents.

**Comment:** Do not adopt the Optional New Subsection 4802 (k) regarding parent advisory committees and Prop 227 waivers. The proposed language goes beyond the statute and provides an exemption to charter schools that does not exist in law. If parents seek to establish a charter school that provides Prop. 227 waivers and school site council opportunities as required in regular public schools, parents have the right to do that and California’s Race to the Top legislation does not change that. While we support disclosing to parents the potential impacts to their rights and their children’s services, this language is confusing and should not be adopted.

**Accept:** Optional new subsection 4802(k) is deleted in its entirety.

**Comment:** Adopt the Optional New Section 4802 (l) regarding a sample petition. Many of the issues that have arisen throughout the Parent Empowerment debate concern the contents of the petition which could be addressed by a sample petition posted on the CDE’s website.

**Accept:** Accept in that the language in Section 4802(k) is added, incorporating the language in Optional New Subsection (l), thus deleting its designation as Optional New Subsection (l), with the exception that the language that the sample petition be available for “distribution by LEAs” is deleted. Other minor, non-substantive changes have also been made.
Comment: Requiring the CDE to make a sample petition translated into various languages would allow parents to easily abide by the guidelines of Education Code Section 48985.
Accept: Section 4802(k) has been adopted requiring CDE to make sample petitions available in other languages pursuant to Ed. Code section 48985.

VIRGINIA STROM MARTIN, LAUSD

Comment: 48001.1(l): Support deletion of “compelling interest” language which could have been misconstrued as a constitutional standard.
No response necessary.

Comment: 4800.5 – Parental Notice, Option 1: Reject. Notice specifying requirements for two public hearings is not necessarily a bad idea. However, if LAUSD is to embed this process into the PSC Resolution, there may already be hearings as part of that process. Having a statement in the parental notification for two hearings may lead to confusion as to the process.
Accept: Section 4800.5, Option 1 is deleted.

Comment: 4801 (a) – Petition Signatures. This section still does not clarify the outstanding and ongoing concern from all stakeholders regarding “a combination of signatures of parents and legal guardians” from subject school and matriculating schools. Although this section adds that signatures may not consist solely of signatures from matriculating schools, it could lead to a scenario where only 10% of signatures would come from the subject school which does not seem to comport with the intent of the statute.
Reject: Section 53300 specifically refers to a “combination of at least one half of the parents or legal guardians at the subject school and matriculating schools. Nothing in the legislation indicates an intent to require a specific ratio between the schools.

Comment: 4801(g) – Option 2. Support language provided in Optional Subsection (g) substituting language in current version.
Accept: Optional Section 4801(g) is adopted along with Option 2 of Section 4801(g).

Comment: 4801 Optional New Subsection (h)–reject. As worded, it sounds like the proposed provision automatically allows signature gathering on a school site. Any signature gathering should be governed by a LEA’s policies and procedures for petition circulation and signature gathering on campus, if any. If this is the intent more clarification is needed.
Reject: Language incorporates current requirements regarding adherence to LEA policies and is adopted in response to stakeholder comments and concerns.

Reject: Amendments are necessary based on public comments except that “influence” was amended to “impede” because influence was viewed as too vague. “Pursuant to this section” was added for clarity purposes.

Comment: 4802(i): Option 1 – remain as “may”.
Accept: Section 4802(i) Option 1 is deleted.

Comment 4802(i) Option 2 – support inclusion of contact information from charter school operator, charter management organization or education management organization.
Accept: Section 4802(i) Option 2 is adopted.

Comment: 4802(i) Option 3 – should be rejected. A parent/legal guardian has the option not to sign a petition that specifies a charter organization under the restart model. Requiring a disclosure that they have an additional option to sign a petition without a named charter organization confuses the procedure. (e.g., would there be a counter-petition to the petition being circulated? Who would spearhead the “additional option?”)
Accept: Section 4802(i) Option 3 is not adopted.

Comment: 4802(j) – Support addition of other supporting organizations.
Response: This section had no proposed changes in the Notice of second 15-day public comment period.

Comment: Optional New Subsection 4802(k). This is not an accurately stated proposed language. Although charter schools are not required to comply with Education Code sections 310 and 311, some charter schools may opt to provide parent advisory committees or alternative programs.
Accept: Optional New Subsection 4802(k) is deleted in its entirety.

Comment: Optional New Subsection 4802(l). Although stakeholders all seem to support a sample petition generated by the CDE, the proposed language mandates LEAs to distribute the petition. Since CDE would be the organization generating the sample petition, the language should refer petitioners to CDE website and not add an additional requirement to the LEA to distribute the sample petition.
Accept: Language is amended to read:

(Optional New Subsection(l):-(k) The CDE shall develop a sample petition that can be used by interested petitioners. The sample petition shall be available on the CDE website and available for distribution by LEAs to for interested petitioners to use…

Comment: Optional New Section 4802.05 –Submission of Petition. This proposed section seems to overlap with the rest of the proposed subsections which cover the same area.
Reject: This addition is adopted and necessary based upon comments received during public comment and the recommendation of a stakeholders group.)
**Comment:** Section 4802.1(e). Regarding “no specified ratio required of signatures gathered at each school” – standing objection regarding failure to articulate a specified ratio.

**Reject:** Section 53300 specifically refers to a “combination of at least one half of the parents or legal guardians at the subject school and matriculating schools”. There is no indication in the legislation that it intended to require a specific ratio from either the subject or matriculating schools.

**Comment:** Optional New Subsection (g)(4) – the requirement to translate is actually that of the LEA’s under Ed. Code section 48985. If the regulations are to require that petitions be circulated in multiple languages, it should delete reference to section 48985 especially since it may unduly place a burden on a District to translate the petition.

**Accept:** Optional New Subsection 4802.1 (g)(4) is deleted in its entirety.

**Comment:** Optional Section 4802.1. Language in this proposed optional section is too proscriptive. Some LEAs may already have signature verification policies and procedures that may be implemented for Parent Empowerment petitions. Proposed subsection (h) and (i) are particularly problematic in that it proposes additional obligations on an LEA to verify signatures.

**Reject:** Adopting Optional New Section 4802.1 is necessary based upon comments received during public comment and the recommendation of a stakeholders group. Language in this section clarifies timeframe for lead petitioner to assist the LEA to verify signatures, but signature verification by the LEA is optional, per Section 4802.1(b).

**Comment:** Optional Section 4802.1(j). The “window of 60 calendar days” to resubmit a petition under proposed subsection (j) and the additional 25 calendar days for LEA to verify resubmitted signatures also imposes additional obligations on an LEA.

**Reject:** Language in this section clarifies timeframe for lead petitioner to assist the LEA to verify signatures, but signature verification by the LEA is optional, per section 4802.1(b). Optional Section 4802.1 was adopted based upon stakeholder feedback.

**Comment:** Optional Section 4802.1(l). Proposed subsection (l) has the “compelling interest” language which should not be adopted.

**Accept:** Reference to the “compelling interest” standard is deleted.

**Comment:** 4802.2, proposed subsection (c) lines 29-31. Timelines set forth in Education Code section 47605(b) should be amended to add that the timeline begins after the LEA receives the charter petition pursuant to established policies and procedures of the LEA for processing charter petitions.

**Reject:** Optional section 4802.2 is adopted in lieu of section 4802.2 based upon feedback from stakeholders and establishes that the rigorous review process required by Education Code section 53300 and section 4804 shall be the review process and timelines set forth in Education Code section 47605(b), exception 47605(b)(3).
Comment: Regarding required signatures, CDE should address the deletion of references to 47605(a)(1)-(3) and 47605(b)(3) since these were in original versions of the proposed regulations.
Response: Unsure as to recommendation of Commenter. Optional section 4802.2 is adopted and provides at subsection (b) that the signatures to establish a charter school pursuant to Education Code section 47605(a)(1) through (3) and 47605(b)(3) will not be required.

Comment: Optional Section 4802.2(d). Proposed subsection (d) seeks to clarify what would happen if a particular charter organization is not named in the restart model. (However, the process may not necessarily match up with our PSC process if this is embedded).
Reject: The process of establishing a charter school upon adoption of the restart model under the Parent Empowerment law is different than established policies a district may already have for charter schools established through the Charter School Act.

Comment: References to timelines under 47605(b) and “charter proposal” should be changed to “charter petition.”
Reject: Charter proposal is a more appropriate term and more likely to prevent confusion with the parent empowerment petition

Comment: Optional subsection (f) is vague as to “subject to all provisions of law that apply to other conversion charter schools.” The use of the term “conversion charter schools” is a legal term under the Charter Schools Act and triggers different regulations, procedures and policies. What does CDE intend with this addition? Do they merely want to state that a charter school chosen under the restart model must have admission requirements serving the subject and feeder schools? If so, this section should just state that.
Accept: Proposed subsection (f) is deleted in its entirety. This deletion is necessary based upon comments received during public comment and the recommendation of a stakeholders group that the proposed subsection may cause confusion. Similar language has been incorporated into the regulations through the adoption of Optional section 4802.2, subsection (a).

Comment: 4802.2, Optional new subsection(g) – as stated above, this is not necessarily an accurate statement since charters may opt to have parent advisory committees and alternative programs as outlined in their charter.
Accept: Optional New Subsection(g) is deleted in its entirety.

Comment: Agree with Optional Section 4802.2(c).
Accept: Optional Section 4802.2 is adopted.

Comment: However, for optional section 4802.2(d)(1), the timeline for soliciting charter proposals and the rigorous review process for those charter proposals should not be held to the timeline under 47605(b). The timeline for 47605(b) should attach after the rigorous review process (i.e., after selecting the charter proposal).
Reject: The reference to selection of a charter school operator, charter management organization or education management organization is to the approval by the LEA of the operator or organization and occurs as a result of the rigorous review process, which is the process set forth in Education Code section 47605(b). The proposed regulations provide that this process shall begin at the end of a solicitation period not to exceed 90 calendar days.

COLIN MILLER, California Charter Schools Association

Comment: Section 4802(i), Page 8, line 30: We recommend rejecting Option I "shall." Elsewhere in the regulations, it is made clear that a particular restart petition may or may not include the specifics of a particular restart plan such as the actual charter for a proposed charter school. Retaining the "may" here will be consistent with that approach. We believe that the regulations should provide options for parents, rather than be unnecessarily restrictive on this point.

Accept: Option 1 of Section 4802(i) is deleted.

Comment: Section 4802(i), Page 9, line 3 through 7: We recommend rejecting Option 3. This language appears unnecessary and would be confusing to parents. This statement is also inaccurate. Parents would not have the option of signing an alternative petition unless one was circulated.

Accept: Option 3 of section 4802(i) is deleted.

Comment: Section 4802, Optional New Section (k), Page 9, lines 13 through 19: We recommend rejecting Optional Subsection (k). Charter schools, by design and pursuant to the education code, are exempt from most laws governing school districts. We therefore encourage judicious use of any such inclusions in the petition content, and rejection of this option.

Accept: Optional New Subsection 4802(k) is deleted in its entirety.

Comment: Section 4802.2. Two versions of this section have been provided for consideration. We generally support the "Optional" Section 4802.2 that begins on page 20, line 23 and continues to page 22, line 16. This optional version of the section is largely similar to the original version, but appears to be much clearer. It is also easier to follow as it does not have the several inconsistencies and replications that appear in the version with multiple strike through, underlines and shading. The steps in the Optional version are clear and follow what we believe to be a simple approach.

Accept: Optional section 4802.2 is adopted with some additional edits.

Comment: Section 4805. We suggest adding the following language to end of this section: "Nothing in these regulations shall prohibit the consideration and establishment of a new start-up charter school developed in accordance with Education Code section 47605 to occupy the facility vacated by a school closure enacted under this section." The inclusion of this language would be helpful to clarify that once school closure is requested by parents and implemented by the district that the school facility may be used for other purposes, including a start up charter school.
Response: Comment not related to proposed changes set forth in the Notice of second 15-day comment period.

Comment: References to Education Code section 48985. The issue of translation of materials into several languages appears multiple times in the draft regulations. We support the goal of broad access for parents to the parent petition, and there appears to be general consensus that having a parent empowerment petition available in common languages will help achieve this goal. However, we strongly urge the SBE to provide greater clarity on this new requirement and to consider one single place in the regulations to reference to any multiple language requirements related to Parent Empowerment.

Accept in part and reject in part. Reject the suggestion that the regulations should have the translation reference in only one section. The regulations pertain to several processes and it is necessary to incorporate certain provisions throughout the regulations where appropriate. Also, reject in that Section 4801 Optional new subsection (j) is not adopted as the language was unclear and beyond the scope of Education Code 48985. Education Code 48985 applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition. Similarly reject Section 4802.1 Optional New Subsection (g)(4) in that there is no need to reject the petition for not being translated if there is no requirement to translate the petition. Accept in that the reference to Education Code section 48985 in Section 4802 Optional New Subsection (I) is adopted.

Comment: We note that EC 48985 applies translation requirements on districts. It is unclear in these regulations whether the responsibility to translate materials under parent empowerment would also fall to the district. One way to mitigate the impact of this new and potentially costly requirement would be to specifically narrow the language requirement to only the petition itself, and not all supplementary materials.

Accept in part and reject in part. Accept in that section 4802(k) has been amended to require that CDE shall develop a sample petition and it shall be available on the CDE website in other languages. Reject in part in that section 4801 Optional New Subdivision (j), which would have required that the petition be translated into other languages pursuant to Section 48985, was not adopted as the language was unclear and beyond the scope of Education Code 48985. Education Code 48985 applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.

SHELLY SPIEGEL-COLEMAN, Californians Together

Comment: Section 4801 Petition Signatures (pg 7, lines 13-31). We support OPTIONAL NEW SUBSECTIONS (g), (h), (i) The proposed subsections provide much needed clarity and necessary parameters regarding the petition signature process.

Accept: OPTIONAL NEW SUBSECTION (g), has been adopted as Subsection (g) with the clarification that parents and legal guardians of “eligible pupils” shall be free
from harassment, threats and intimidation and with the addition that Signature
gatherers shall disclosed if they are being paid and shall not be paid per signature.
Optional subsections (h) and (i) have also been adopted.

Comment: We strongly support OPTIONAL NEW SUBSECTION (j). We believe the
inclusion of the Optional New Subsection (j) is critical if the parent empowerment
process is to be understood by all parents, regardless of English language ability, in
order for all parents to participate in this process.
Reject: Optional new subsection 4801(j) is deleted in its entirety. This deletion is
necessary because the language was unclear as to how it would apply to signature
gathers. Education Code 48985 applies to notices and documents given to parents by
the school or LEA. Neither the school nor the LEA will be distributing the petition.

Comment: We strongly support adding Section 4802 Optional new section (k).
Reject: Optional new subsection 4802(k) is deleted in its entirety. This deletion is
necessary because this subsection may be inaccurate in that the charter school may
choose to retain various committees and in that it is confusing to single out two
exemptions from the myriad of laws to which a charter school may or may not comply.

Comment: We strongly support Optional new subsection (l).
Accept: Section 4802(k) is added, incorporating the language in Optional New
Subsection (l), with the exception that the language that the sample petition be
available for “distribution by LEAs” is deleted. Section 4802(k), however, also
incorporates language from Optional New Subsection (l) that states the CDE shall
develop a sample petition, available on the CDE website, which may be used by
interested petitioners. Other minor, non-substantive changes have also been made.
This addition is necessary based upon the comments received during public comment
and the recommendation of a stakeholders group.

Comment: We strongly support adding section Optional New Subsection 4802.1(g)(4)
to the proposed regulations. Again it is imperative that if all parents are to understand
and participate in this very significant process, all information regarding this process
should be made available in multiple languages and if this does not happen, should be
not be deemed as substantially meeting the requirements of the law.
Reject: Optional New Subsection 4802.1 (g)(4) is deleted in its entirety. This deletion is
necessary because no requirement to translate the petition has been adopted, thus
there is no basis for rejecting the petition.

Comment: Section 4800.5 Parent Notice. We strongly support (Option 1) the
language requiring the convening of specified hearings and (Option 2) requiring CDE
to provide on its website, any information regarding the parent notice to be in multiple
languages.
Reject: Options 1 and 2 are deleted. Option 1 is deleted as Education Code section
53300 does not require a public hearing except that an LEA must make a finding in
writing at a regularly scheduled meeting stating the reason it cannot implement the
specific recommended option. Option 2 would have created a logistical and financial
difficulty in translating “any information on the CDE website”.
Comment: We strongly support the inclusion of Section 4802.2 Optional new subsection (g) requiring a charter school established as a result of the “restart model” to inform parents that the charter school will not be providing parent advisory committees or alternative programs pursuant to Education Code Sections 310, 311, 53202 & 4802.2.
Reject: Optional New Subsection (g) is deleted in its entirety as this may be inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply.

Comment: Section 4800.1 Definition (g) & (h). We support the proposed changes made to these subsections. The changes provide clarity regarding the definition of “normally matriculate”.
Accept: Proposed changes to section 4800.1(g) & (h) are adopted.

Comment: Section 4800.1 Definition (k)(5). We support adding the new subsection (k)(5). We do not believe that a school that exits in Program Improvement should be subject to the parent empowerment provisions established by law or by these proposed regulations. This subsection will clearly state this intent.
Accept: Section 4800.1(k)(5) is adopted.

Comment: Section 4800.1 Definition (l), We support the proposed language to require an LEA to provide in writing, during a regularly scheduled meeting, the reasons for not implementing the intervention requested by a petition submitted by parents.
Accept: Proposed changes in Section 4800.1(l) are adopted.

Comment: We support the proposed Section 4800.1 Definition (m) definition of “matriculating school”.
Accept: Section 4800.1(m) is adopted

BARRETT GREEN, Littler (CUSD)

Comment: Section 4800.1(h). A proposal has been made that, in evaluating whether a parent or legal guardian has the legal right to sign a petition on behalf of a student, the relevant date should not be the date the parent or legal guardian signs the petition, but instead should be the date the petition is submitted, even if the petition is submitted long after the date the petition is signed.

This approach is not workable. A person who lacks educational rights for a student at the time the person signs the petition does not have the legal authority to sign a petition on behalf of that student. No adult has the right to sign documents or make decisions on behalf of a minor based on the possibility of being granted those rights at some future date.
Accordingly, it is respectfully proposed that the regulation should be revised so that the relevant date of educational rights for the signatures is the date the petition is signed, and section § 4800.1(h) should read as follows:

(h) "Parents or legal guardians of pupils" means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Welfare and Institutions Code section 361 or 727 or Education Code sections 56028 or 56055, including foster parents who hold rights to make educational decisions, on the date the petition is signed. [Emphasis added.]

Reject: The relevant date for the validity of a signature is the date the petition is submitted to the LEA, when the verification process begins pursuant to section 4802.1. In order to ensure consistency for the signature verification process, all signatures will be verified based on the submission date. It is not workable for the LEA to verify the status of a parent/guardian’s rights based on the date the petition was signed since there may be several hundred different signature dates on a petition.

Comment: Section 4801(g). Proposed Regulation 4801(g) provides that, "Signature gatherers, students, school site staff, LEA staff, and parents and legal guardians shall be free from harassment, threats, and intimidation related to circulation or signature of a petition."

Problems associated with the language of the proposed subsection include the following:

In the context of a debate over whether or not an intervention should be imposed at a school, or whether a petition should or should not be signed, the term "harassment" affords little guidance as to what would constitute legitimate and vigorous debate in a free marketplace of ideas, and what might cross the line into impermissible "harassment."

Because of this uncertainty, there is a substantial likelihood that the proposed language would be void for vagueness and not pass constitutional muster under the First Amendment and the California Constitution. Similar problems would exist with the term "intimidation," and even the term "threat."

Rather than state which persons will be prohibited from "harassing, threatening, and intimidating" the stakeholders, the subsection is written in a manner that guarantees that the stakeholders themselves shall be free from harassment, threats, and intimidation related to circulation or signature of a petition." The subsection does not explain who is responsible for this "guarantee," leaving uncertainty as to who, if anyone, is to be held accountable in the event stakeholders'"rights" are transgressed.

It is recommended that section 4801(g) either be deleted or substantially clarified.

Reject: The proposed language clarifies that all parties shall be free from harassment,
threats, and intimidation and clarifies that all parties are held to the same standard of behavior on all parties and is sufficient to put all groups on notice as to impermissible types of behavior.

Comment: Section 4800.5 requires that specific information be provided to parents regarding which schools qualify for a petition under Education Code section 53300 and how a petition can be circulated.

This information is not required under Education Code section 53300. Nevertheless, should the State Board of Education determine that transparency warrants this information being disseminated, CUSD believes that transparency is a two-way street and that there should likewise be transparency with respect to the circulation of petitions.

To remedy these problems and further the goal of transparency and vigorous open debate, it is proposed that the following language be added as Proposed Regulation 4800.5(b):

(b) At least 35 calendar days prior to collecting signatures in support of a petition submitted pursuant to Education Code section 53300, the circulators of the petition shall submit the petition to the State Department of Education and to the local educational agency. The State Department of Education shall post the petition on its web site within five calendar days of the Department’s receipt of the petition. No petition signature shall be considered valid if the parent or guardian signed the petition prior to the expiration of 35 days following submission by the circulators of the petition to the State Department of Education.

Reject: An LEA has enough information to know it is eligible for action under Education Code section 53300. Moreover imposing such additional measures upon parents and legal guardians who wish to circulate a petition may discourage them from doing so.

Comment: Section 4802.1(b) and (f). Proposed Regulation 4802.1(b) provides that, "Upon receipt of the petition, the LEA may make reasonable efforts to match the information contained on the petition against existing enrollment records for accuracy. If a discrepancy is found, the LEA may contact the parents and legal guardians of pupils for verification purposes."

Proposed Regulation 4802.1(f) provides that, "In connection with the petition, the LEA may only contact parents or legal guardians to verify eligible signatures on the petition."

It is unclear whether Proposed Regulation 4802.1(b) is meant to apply to signature verifications, to review of other student information, or both. This uncertainty is likely to lead to disagreements.
If section 4802.1(b) is intended to apply to signature verification, then a question arises as to how signatures are to be verified if the student's file contains no comparator signature for the parent or legal guardian who signed the petition. It is not uncommon for only one parent to sign enrollment documents on behalf of a student. If a second parent signs a petition, there may be no comparator signature in the student's file. In that instance, there is no "discrepancy" in the records, but rather simply an absence of information. As written, it would be unclear whether, under Section 4802.1(b), a school district could then contact the parents.

**Reject:** Verification process is permissive. Subdivisions (b) and (f) are not in conflict as both allow the LEA to contact the parent or legal guardian when there is insufficient or conflicting information to verify the parent or legal signature or other information pertaining to the petition.

**Comment:** As for Section 4802.1 (f), the language of that section appears to be vague and overbroad and to conflict with section 4802.1(b). First, the introductory clause, "In connection with the petition." is vague and would make it very difficult to determine what communications would be considered, "in connection with the petition." For example, if a school district received a petition and then apprised all parents District-wide in a monthly newsletter that such a petition had been received and were being processed, would that communication contravene section 4802.1(f)?

Also, since other student information might need to be verified in connection with the review of a petition (such as who possesses parental rights for the student), section 4802.1(k) would appear to conflict internally with section 4802.1(f), which authorizes contact with parents when there is a "discrepancy" between "information contained on the petition and "existing enrollment records."

It is respectfully proposed that revisions should be made to Regulations 4802.1(b) and (f) to address these issues.

**Reject:** The title of the section is "Verification of Petition Signatures" and both 4802.1(b) and (f) detail procedures to verify signatures of parents/guardians and to ensure that the signatures can be counted consistent with the regulations.

**Comment: 4802(i) and 4802.2.** The proposed regulations seek to authorize petitioners to select a specific charter school operator, charter management organization, or education management organization when requesting the so-called "restart model" intervention under Education Code section 53300 and 53202(a).

This approach is *ultra vires* and, if approved, would dramatically alter the existing statutory framework.

Education Code section 53300 allows parents or guardians to file a petition under the enumerated circumstances,

Education Code section 53300 further provides that the petition may request the local educational agency "implement one or more of the four "interventions" identified in Education Code section 53202(a)(1) to (4).
There is nothing in Education Code section 53300, 53202, or the federal Appendix that suggests in any way that a petitioning group would be able to select a specific charter school operator, charter management organization (CMO), or education management organization (EMO) within an intervention model after having selected the so-called "restart model" under Education Code section 53300 and 53202(a).

Rather, it is clear under the statute that it is the "LEA" (the local educational agency) that converts or closes and reopens the school under a charter school operator, a CMO, or an EMO, and only after the charter, CMO, or EMO has "been selected through a rigorous review process."

Had the Legislature intended to allow a petitioning group to divest the locally elected public officials of their oversight authority in implementing the restart model, the Legislature could and would have said so.

If the regulations are enacted as proposed, well-funded charter schools will have a financial motive to persuade parents to support a charter's takeover of an existing school district facility, knowing that the result will be a stream of public revenue directly to the charter. Absent the regulation, parents can still impose the restart model on a school district, but the school district remains accountable to all of the residents of the community and the electorate in vetting proposed charters, CMOs, and EMOs, and implementing the "rigorous review process" required under Education Code section 53202(a) and the federal Appendix, before a charter, CMO, or EMO is selected.

Other provisions of the Charter Schools Act (Education Code section 47600 et seq.) support the latter construction. Under Education Code section 47605(a)(I), a so-called "startup charter" may be initiated by a petition signed by parents of one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation, or one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. In contrast, under Education Code section 47605(a)(2), when a petition proposes to convert an existing public school to a charter school, the petition must be signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted. This reflects the substantial local support required in the context of a takeover of a specific school by a specific charter organization.

Reject: The regulations still provide the LEA with the authority to choose which intervention model to implement and, if a restart model is chosen, whether to adopt a particular CSO, CMO or EMO.

Comment: If the proposed regulation were authorized, a small number of parents who might possess educational rights over their children, but might not reside in the community, might not have voted in recent local elections, or might not even be eligible to vote would be authorized to dispossess locally elected officials of
governance responsibilities, and effectuate a transfer of public funds and facilities through the disenfranchisement of residents and registered voters.

The proposed regulations constitute an impermissible transfer of legislative oversight from a locally elected body to special interest groups. It is respectfully submitted that the regulations are ultra vires and should not be approved.

**Reject:** The regulations still provide the LEA with the authority to choose which intervention model to implement and, if a restart model is chosen, whether to adopt a particular CSO, CMO or EMO.

**Comment** There appears to be no regulation addressing any time period after which a signature in support of a petition becomes stale or lapses, or any mechanism for a proponent of a petition to change his/her mind.

Absent rulemaking in this area, a parent could sign a petition and six months, a year, two years or more could pass and the signature could still be used in support of a petition, even though circumstances likely have changed. It is respectfully recommended that this issue could be addressed through either a requirement that signatures in support of a petition remain valid for a specified number of days and/or that a mechanism be implemented to allow signatories to withdraw support.

**Reject:** Timeline inherent in the petition process as it relates to the identification of a subject school precludes the scenarios reflected in the comment.

**Comment: 4802.1(g).** Under Proposed Regulation 4802.1(g), an LEA has 25 business days in which to return the petition to the person designated as the contact person specified in section 4802(c), if the LEA determines there are insufficient signatures, or the petition is otherwise defective in specified respects.

It is respectfully submitted that the proposed 25 business days is not sufficient time for an LEA to determine whether a petition has met all of the requirements of the petition set forth in proposed regulation Section 4802, and whether there are sufficient signatures from parents/guardians of one-half of the pupils of the affected school.

It is respectfully proposed that the regulation be amended, as follows:

a. Business days should be defined so as to exclude days when students are not in school.

b. The 25 business day timeline should apply to petitions of less than 200 signatures; petitions of 200-500 signatures should have a 40 business day turnaround time; and petitions in excess of 500 signatures should have a 60 business day turnaround time.

**Accept in part/Reject in part:** Accept in that language in 4802.1(g) has been amended to set the time period as “40 calendar days”. This amendment was necessary in response to public comment and for purposes of clarification. Reject the
suggestion that the timeline should be extended for petitions containing higher numbers of signatures in that 40 calendar days should be sufficient for completion of a verification process, even with several hundred signatures.

**Comment:** Proposed Regulation 4802.1(h) provides that, if the petition is returned pursuant to section 4802.1(g), the same petition may be resubmitted to the LEA with additional signatures as long as no substantive changes are made to the petition. If substantive changes are made to the petition, it must be recirculated for signatures before it may be resubmitted to the LEA.

**Reject:** Section 4802.1(h) specifies that a petition which has been rejected solely because of insufficient signatures pursuant to 4802.1(g)(1) may be resubmitted. Insufficient signatures are not a “substantive” change to the contents of the petition.

**Comment:** When a petition is submitted, the petition reflects the views of the signatories at a "snapshot" in time - the moment of submission of the proposal. These views may change at some point thereafter. Allowing a defective petition to be revived would seem to endorse an assumption that a petitioner who at one period in time supported the petition, still supports the petition at some later point. It is reasonable to require that proponents only submit petitions after undertaking reasonable due diligence to ensure they have obtained the requisite number of signatures. It is respectfully proposed that Regulation 4802.1(h) be withdrawn.

**Reject:** Nothing in these regulations precludes a parent/guardian from withdrawing his/her signature from a petition at any time.

**PRICILLA WINSLOW, California Teachers’ Association**

**Comment:** Section 4800.5 [Option 1]: We believe that once a school is designated as eligible for a parent empowerment petition there should be at least two meetings to inform and seek input from stakeholders regarding available options and that at least one of those meetings occur at the school site.

**Reject:** Unlike Education Code section 53202 which specifically requires public hearings, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statute requires that any hearings or meetings be held by the school or the LEA nor precludes the school or the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

**Comment:** 4801 Optional New Subsection (i). This proposed regulation would restrict school or district resources from being used "to influence the signature gathering process." We oppose this option because it would create needless confusion and is unnecessary and misguided. Presumably, school staff are included in the term "resources," so their speech is permitted under 4800.5, but banned under subsection (i). If that is not the case, what does constitute a school "resource"? The definition is not spelled out in this proposed regulation and failure to do so invites further confusion and potential litigation.
We do not suggest that this proposed regulation can be cured with a more comprehensive definition of "resources" because the very concept of keeping the school district and its employees out of the debate about the fate of an affected school is anti-democratic and simply bad policy. Teachers, administrators, and other staff are at least as equally well-informed as parents to know what education models could be most effective to assist struggling schools. There is no reason to place a regulatory thumb on the scale in favor of only one voice in this debate. We urge the Board to reject this option.

Reject: Subsection (i) was changed from "influence" to "impede" and is necessary to adopt based upon the comments received during public comment and the recommendation of a stakeholder group.

Comment: Section 4802(i) [Option 3]. We support the required disclosure on a petition for restart to include the contact information for the charter school operator, CMO, or EMO and that the petition also disclose that parents have an option of signing a petition that does not designate a particular charter school operator, CMO, or EMO. However, by this support favoring disclosure, we do not waive our opposition to any regulation that fails to harmonize the Charter Schools Act (CSA) with this statute. We believe the CSA cannot be superseded by regulatory fiat.

Reject: Option 3 was deleted for clarity. Section 4802(i) requires the petition to affirmatively disclose the contact information of a charter school operator, charter management organization or education management organization, if any such organization is so designated. If no organization is designated, then no disclosure is required. Nothing in these regulations precludes or limits a parent/guardian’s right to sign any petition.

Comment: Section 4802 [Optional New Subsection (k)]. Not only should parents be advised that parent advisory committees and "alternative programs" will not be available in the restart model, they should be advised that they will not be able to waive into bilingual education and that the charter school is not required to provide bilingual education. Parents should also be advised by description of, not simply reference to, Education Code sections with which they are probably unfamiliar that if the school participated in the Quality Education Investment Act, it will not be eligible for those additional funds if the school is transformed into a charter school and that the charter school will not be required to comply with any of the QEIA requirements.

Accept: This section has been deleted in its entirety. This deletion is necessary because the subsection may be inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply.

Comment: Section 4802.1 [Optional Section] Subsection (b). In order to insure the integrity of the petition process, LEA’s should be required to engage in some type of verification process.

Reject: LEA’s are permitted to verify signatures; however mandating signature verification may be beyond the scope of the statute.
Comment: In the interest of clarity, this regulation should clarify what a "minor technicality" is or is not. For example, a superior court in Los Angeles County has recently ruled that the date of the signature must be included on the petition. We believe that the date is not a "minor technicality" since it is imperative to know the date the petition is signed so the LEA can be sure the student is enrolled on that date. We suggest adding this sentence at line 26, page 13: A "minor technicality" does not include the date of the signature.

Reject: This language was adopted as a result of input from stakeholders that felt the language was necessary to support the intent of the Parent Empowerment statutes. It would be impossible to attempt to identify what may or may not be deemed a minor technicality in a particular case. Such a determination will be up to the LEA to make, subject to any legal challenge.

Comment: Subsection (c). We continue to object to this section as it is ambiguous and seems to extend the Parent Empowerment statute to schools that no longer qualify. This exceeds the authority of this Board, as the interventions described in the statute are clearly only applicable to schools that meet the statutory definition. If a school "ceases to meet the definition of a subject school," the LEA has no authority to impose or permit any of the interventions. This proposed regulation is, therefore, unnecessary and should be deleted. The ambiguity is compounded by the addition of the phrase, "...unless that school has exited federal Program Improvement and is at or over 800 of the Academic Performance Index."

Reject: A school must meet AYP goals for two years in succession to exit Program Improvement. If a school meets AYP for one year, it is still subject to Program Improvement mandates pursuant to 20 U.S.C. Section 6316(b). Only when a subject school exits Program Improvement and is at or over 800 API will the school no longer be subject to a Parent Empowerment petition.

Comment: Subsection (l). The proposed regulation returns to the requirement that an LEA must have a "compelling interest" in support of a finding that it cannot implement the option requested by the petition. The words "including the compelling interest that support such a finding" should be deleted.

Accept: Section 4802.1(l) has been amended to delete the “compelling interest” requirement in response to public comment.

Comment: Section 4802.2 Charter Requirements for Parent Empowerment Petitions. On page 18, line 1, there is an optional proposed regulation: "§47605(a)(l) through (3))." We are strongly opposed to this option because it would remove important protections for teachers that are contained in the Charter Schools Act. Ed. Code §47605(a)(2) requires the signatures of at least 50% of the permanent teachers at any school that is to be converted to a charter school as a prerequisite for the charter to be issued.

The Charter Schools Act is obviously the more specific statute, dealing as it does with the particulars of how charters are established, the requirements of the petitions, the appeal rights of proponents whose charters are denied, the
requirements that charters schools must abide by, etc. The specificity of the CSA stands in stark contrast to the general provisions of §53300, which simply provides that parents may petition school districts to establish one of five interventions if the school meets the definition set forth in that statute. We urge the Board to reject this optional provision that would remove the important safeguards the Legislature included in the CSA with respect to the conversion of an existing public school.

We oppose this option which would permit the parent empowerment petition to stand as a substitute for the charter petition.

**Reject:** These regulations seek to implement the Parent Empowerment statutes and not the Charter Schools Act, and thus, while the regulations may reference and apply particular sections of the Charter School Act in order to effectuate the Parent Empowerment statutes and harmonize the legislative intent of both Acts, the Parent Empowerment regulations need not follow the provisions of the Charter Schools Act.

**Comment:** Section 4807. This description of the intervention-alternative governance arrangement should indicate that a school that participates in the Quality Education Investment Act program will be considered a school that is in this alternative governance intervention. Any one of the first four interventions described in these regulations would substantially disrupt the educational program at a QEIA school. Therefore, we urge the SBE to add the following language to Section 4807: “Participation in the Quality Education Investment Act shall constitute an Alternative Governance Arrangement.”

**Reject:** The suggestion is outside the scope of the statutes. The LEA maintains the ability to implement the requested model or to implement an alternative model. Quality Education Investment Act status may be a point of consideration in determining which model to implement.

**Comment:** Section 4808. This proposed regulation must include the option "to the extent permitted by law" to clarify the rights and duties of parties that have filed petitions under the emergency regulations and establish that the reach of either the emergency regulations or these proposed regulations is limited to the statute.

**Reject:** This statement is unnecessary since the State Board of Education does not have the authority to adopt regulations that are not permitted by law.

**GABE ROSE, Parent Revolution**

**Comment:** Parents must be able to pick any transformation option they choose without seeking a “permission slip” from their teachers. The final draft of regulations must include the “optional language in Section 4802.2(c), found on page 17, line 31 and page 18, lines 1-2 “The signatures required to establish a charter school pursuant to section 47605(a)(1) through (3) and 47605(b)(3) shall not be required.”

**Accept:** Such language has been adopted in Section 4802.2(b).

**Comment:** Parents must have the right to know that their signatures will be counted in a fair and consistent manner. The Board should use the “consensus stakeholder draft”
signature verification process, Optional Section 4802.1 in its entirety, replacing the previous Section 4802.1.

Accept: Optional Section 4802.1 has been adopted with a few minor modifications.

Comment: Parents must be allowed to freely organize without undue influence. Include Optional New Subsection 4801(i) in the final draft, which prohibits school or district resources from being used to influence parents’ organizing efforts.

Accept: Optional New Subsection 4801(i) is adopted except that it was amended to prohibit school or district resources from being used to “impede” rather than “influence” the signature gathering process and the language “pursuant to this section” was added.

Comment: Provide greater clarity to the petition submission process. Include the Optional New Section 4800.05 (sic), created by the ACSA/CSBA/Parent Revolution working group, in its entirety.

Accept: The working group’s section on the petition submission process is Optional New Section 4802.05. Assuming this comment is intended to relate to this section, it was adopted in its entirety.

Comment: Provide greater transparency for parents. Include “Option 1” on Section 4800.5 to require all Parent-Trigger eligible schools to hold two public meetings aimed at informing parents about the Parent Trigger and their rights under it.

Reject: Education Code sections 53300 through 53303 do not require any public hearings except than an LEA must make a finding in writing at a regularly scheduled meeting stating the reason it cannot implement the specific recommended option if it does not implement the requested intervention option. 4800.5(a), however, has been amended to state that the CDE shall provide a Parent Empowerment website for parents and guardians to obtain further information on circulating a parent empowerment petition. Moreover, there is nothing in this section that precludes LEAs, parents and interested stakeholders from convening a meeting to discuss the petition process.

Comment: Provide transparency in the signature gathering process. Support “Option 2” in Section 4801 to prohibit signature gatherers from being paid per signature so long as it can pass legal muster.

Accept: Option 2 of section 4801(g) is adopted to require signature gatherers to disclose if they are being paid and to prohibit signature gatherers from being paid per signature.

Comment: Allow parents to choose whether or not to select a specific partner for the “restart” model. Oppose Option 1 under Section 4802(i) which would limit parents’ options when deciding how to implement the restart model.

Accept: Option 1 under Section 4802(i) is not adopted.

Comment: Preserve greater transparency through a simple, non-cluttered petition for parents. Support Section 4802(j), but oppose Optional Subsection 4202(k) (sic) and Option 3 under Section 4802(i) in an effort to keep petitions clear and transparent.
Neither option is necessarily a bad idea in and of themselves, but combined with other provisions in these regulations.
**Accept:** Optional Subsection 4802(k) and Option 3 under section 4802(i) are not adopted.

**Comment:** Include clear translation requirements. Support “Optional Subsection 4801(j) with additional clarification on exactly what documents must be translated.

**Reject:** This optional subsection is not adopted as it was unclear how Education Code section 48985 was to apply to signature gatherers. Education Code 48985 applies to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.

SHERRY SKELLY GRIFFITH, ACSA

**Comment:** Section 4800.1(g),(h),(j) – ACSA supports the amendments as proposed by CDE.

**No Response Necessary**

**Comment:** Section 4800.1 (k) 5 – Exiting Program Improvement - Optional language proposed by stakeholders. – Page 3 – lines 19-21.

We support this amendment because the statute clearly requires that schools in Program Improvement are the schools parents may petition for change. If that school exits PI successfully they should not be subject to interventions that actually could undermine their successfully exiting PI. It is inappropriate to subject a school that has succeeded to interventions which may have the unintended consequence of reversing or slowing down the progress. It also conflicts with statute because the schools identified are to be schools in PI.

**Accept:** Section 4800.1(k)(5) is added to incorporate the language proposed in Optional New Subsection 4801(k)(5).

**Comment:** Section 4800.1 (I) – Page 3 – lines 22-26.
Support CDE’s proposed language to strike “a compelling interest to support.” The use of the term “compelling interest” is a legal constitutional standard. Some argue the intent of this term is used in its “plain meaning” however that is not defined in this section and thus can be interpreted as a legal definition. We support striking the term entirely. We support the amendment to provide the findings in writing during a regularly scheduled public meeting.

**No Response Necessary**

**Comment:** Section 4800.5 – Parental Notice-Option 1, page 4 lines 22-28.
We do not support mandating two public hearings. One regularly scheduled hearing/meeting is already required under this statute. This language would constitute an unfunded mandate.

**Accept:** Section 4800.5 Option 1 is deleted in its entirety.
Comment: We also question whether the LEA should actually present the options “most suitable for the school” as this may be seen as unduly influencing the parents. We could support alternative language that reads as follows:

The parent notice shall include information about how parents can participate at the school and district level in learning more about the Parent Empowerment Act and any meetings or hearings that may be held regarding the status of schools in Program Improvement Year 4 or later.
Accept in part reject in part: Reject in that the LEA may still create a website informing parents and legal guardians how they can contact community-based organizations or work with school and community leaders to understand the intervention options and provide input about “the best options for the school” and the suggested language is not adopted. Accept in that section 4800.5(a) that states the CDE shall create a website for parents and guardians to obtain further information on circulating a parent empowerment petition and subsection (b) provides that an LEA may create a website to inform parents and guardians about the parent empowerment process.

Comment: Option 2 – Page 4, lines 31-32
We support the requirement that any information provided on CDE’s website is available in multiple languages. It’s unclear what languages CDE would identify and suggest that they model EC Section 48985. We suggest the following amendment:

Any information provided on CDE’s website shall also be available in multiple languages as determined by census data and pursuant to the formula identified in EC Section 48985 (a).
Reject: Section 4800.5 Option 2 is deleted in its entirety. This deletion is necessary because it would have been logistically and financially difficult to translate “any information on the CDE website.”

Comment: Petition Signatures. Okay with CDE recommendation to amend Section 4801(a)
No Response Necessary

Comment: 4801(a). Page 5, lines 31-32 & Page 6 lines 1-7. We remain concerned that there is no weight or recognition provided to the parents of the “subject school.” With no ratio, it is entirely possible that less than 1 percent of the subject school parents may sign a petition and 99% of the signature could come from schools outside of the district. We continue to support a majority of 51% or greater number of signatures should come from the “subject school” parents.
Reject: Section 53300 specifically refers to a “combination of at least one half of the parents or legal guardians at the subject school and matriculating schools.” Nothing in the legislation indicates an intent to require a specific ratio between the schools.

Comment: Section 4801(g) Option 2. Page 7, lines 11-12. We support the amendment that signature gatherers shall disclose if they are being paid, and shall not be paid per signature.
Accept: Section 4801(g) Option 2 is adopted as part of section 4801(g).

Comment: Section 4801 Optional Subsection (g) of in place of CDE’s proposed Subsection (g), page 7, lines 13-24. This section is comprehensive and we fully support its inclusion in the final regulations. The language addresses the prohibition of gifts and rewards, ensures all parties are free from harassment and intimidation, allows all parties to discuss the educationally related improvements and prohibits signature gatherers among other things, making threats, false statements or promises in the quest for signatures.
Accept: Optional subsection (g) has been adopted as section 4801(g).

Comment: Optional New Subsection (h), page 7, lines 25-27, School Procedures. Support this amendment. While it may seem obvious that all parties involved in the signature gathering process should adhere to school site hours, safety policies and visitor sign in, it may not be apparent to signature gatherers who are not familiar with school campuses. ACSA believes it’s important that regulations clearly reinforce the authority of local educators to first and foremost maintain campus rules and safety procedures.
Accept: Optional New Subsection (h) is adopted as section 4801(h).

Comment: Optional New Subsection (i), page 7, lines 28-29. We support school and district resources not going towards influencing the signature gathering process but we recommend the following amendment to further clarify there is no prohibition against an LEA providing educationally related information and discussing the facts and features of any school within the district. We therefore recommend the following clarifying amendment:

School or district resources shall not be used to influence the signature gathering process. **This does not prohibit school or district resources being used to describe or discuss education related features and facts about a school or schools within the district.**

Accept in Part and Reject in Part: Accept in that Optional New Subsection (i) is adopted except that the language was changed from “influence” to “impede” and “pursuant to this section” was adding for purposes of clarification. Reject in that commenter’s suggested language may not be necessary in light of the amendment.

Comment: Optional New Subsection (j), page 7, lines 30-31. We support this language to ensure all petitions will be available in languages other than English as appropriate.
Reject: Optional New Subsection 4801(j) is deleted in its entirety. This deletion is necessary because the language was unclear and beyond the scope of Education Code 48985. Education Code 48985 applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.
**Comment:** Section 4802, Content of Petition, page 8, lines 30-32 and page 9 lines 1-6. We support Option 1, Option 2 and Option 3 as it pertains to the content of the petition and the restart model.

**Accept in Part and Reject in Part:** Assuming the commenter is referring to section 4802(i), accept in that Option 2 is adopted. Reject in that Option 1 and 3 are not adopted. Option 1 is not adopted based upon the comments received during public comment and the recommendation of a stakeholders group. Mandating petitioners to request a specific charter operator, charter management organization or education management organization may be contrary to Education Code 53300. Option 3 is not adopted based upon the comments received during public comment and the recommendation of a stakeholders group that this language may be confusing to parents.

**Comment:** Section 4802. We support Optional New Subsection (k) to ensure parents are fully informed within the content of the petition that some rights and services currently provided will not be required under the restart charter model including the parent waiver requirements pursuant to EC sections 310 and 311.

**Reject:** Optional New Subsection (k) is deleted as this subsection may be inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply.

**Comment:** Section 4802. We support Optional New Subsection (l) which ensures the CDE develops a sample petition that can be used by interested parents and make this sample petition available on the CDE website in multiple languages. We also support ensuring parents are aware they do not have to use the sample petition however alternative petitions must contain all required statutory and regulatory requirements. It’s important given limited resources that parents have access to a model template that is in no way influenced by the LEA and readily accessible. This is similar to the state’s development of the Highly Qualified Teacher verification document that is now available to all districts and is a part of the regulations.

**Accept:** Section 4802 Optional New Subsection (k) is adopted with some minor edits as section 4802(l).

**Comment:** Optional New Section 4802.05, page 9, lines 31-32 and Page 10, lines 1-15. We support this new section to ensure that the 50% threshold has been met prior to petition submission and that the date of submission of the petition shall be the start date for implementation of all statutory and regulatory requirements to ensure there is uniformity statewide. We also support allowing petitioner’s one opportunity to resubmit the petition to allow an opportunity to correct errors or add additional signatures. Once this opportunity is provided then no rolling petitions will be allowed. This provides some level of finality to the process which we believe is critical. We also support naming a small number of lead petitioners so that LEAS have the ability to communicate with some or all leads listed. We also support not authorizing these leads to negotiate on behalf of other parents but serve the role of facilitator and liaison between the LEA and parents.

**Accept:** Optional New Section 4802.05 is adopted.
Comment: 4802.1 Verification of Petition Signatures and Obligations of the LEA, page 11, lines 29-31. We do not support this section in which there is no specified ratio required for signatures gathered at each school. We support providing a 51% majority required to be obtained from the “subject school” as the impact of any of the five interventions has a direct impact upon the lives of the families and students currently enrolled in the “subject” school.

Response: Comment is repetitive of prior comments and does not address changes in text proposed by the Notice of second 15-day public comment.

Comment: 4802.1 Optional New subsection (g)(4), page 12, lines 12-13. We support that the petition is returned if the petition has not been translated into the number of languages pursuant to EC section 48985.

Reject: Optional New Subsection 4802.1 (g)(4) is deleted in its entirety as no regulation has been adopted requiring that the petition be translated into other languages.

Comment: Support striking the compelling interest requirement regarding the final disposition of the petition by the LEA. This is a legal standard and not appropriate under this statute.

Accept: The reference to “compelling interest” requirement is struck from section 4802.1(l).

Comment: Optional Section 4802.1 (in place of 4802.1) We support this entire alternative section (with one exception – see below). This alternative language developed by a number of stakeholders in the spirit of compromise strikes a reasonable balance between allowing for some flexibility in the process and good communication between lead petitioners and the LEA. This section also ensures there are parameters around the petition submission, verification and disposition process to prevent ongoing, never ending changes to petitions.

1. Requires LEAS to use common verification documents
2. Requires matriculating LEAS to participate in the verification of signatures from their schools because without such cooperation there is no way for the subject school and district to ensure validity of the petition and signatures which could risk the viability of the petition.
3. Compels LEAS to make a good faith effort to contact parents.
4. Allow schools who exit PI and are over 800 on the API to be released from any petition.
5. Clarifies what constitutes “one-half” of parents in subject and matriculating schools.
6. Allows the leads identified on the petition to assist in contacting parents to verify signatures and provides the leads an opportunity to assist in verifying signatures for a 60 day period. Allows leads to assist in correcting errors or provide clarification as needed.
7. Aligns all deadlines to calendar vs. business days, similar to charter law.
8. Petitioners are provided one resubmission opportunity and can correct errors and add signatures during this phase; however after one resubmission the petition disposition is final. No rolling petitions allowed.

**Accept:** Optional Section 4802.1 is adopted as section 4802.1 with some additional edits.

**Comment:** Please note on Page 16 lines 11-12 there is an error in which CDE has left in language regarding including “the compelling interest” in the final written findings of the LEA. The draft deletes this reference in an earlier section. We do not support requiring a legal standard of “compelling interest” in the final written statement of findings by the LEA. We recommend striking this language.

**Response:** Duplicative comment- see above

**Comment:** Optional Section 4802.2 We support this alternative proposal because it provides for a rigorous review process if the LEA accepts a restart petition charter model. It also compels the LEA when a petition does not name a particular charter operator to either, 1) solicit charter proposals or, 2) direct the petitioners to submit a charter proposal. This proposal also recognizes that education management organization may be chosen and the LEA is compelled to work in good faith to find a provider.

**Accept:** Optional section 4802.2 is adopted as section 4802.2 with some additional edits and clarifying changes.

**Comment:** Page 20 lines 16-21 – Optional New Subsection (g)
We support adding this new subsection to whatever option is chosen to ensure parents are informed upfront that some services and programs and waiver requirements pursuant to EC Section 310 and 311 may not be available if they chose a charter school intervention.

**Reject:** Section 4802.2, Optional New Subsection (g), is not adopted as this subsection may be inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply, as cited earlier.

**JO LOSS, PTA**

**Comment:** 4800.1. Definitions. Optional New Subsection (k)(5): The California State PTA supports this optional subsection. We believe that if a school exits Program Improvement prior to the completion of the petition process, then the school should no longer be identified as a subject school.

**Accept:** Optional New Subsection (k)(5) is adopted as 4800.1(k)(5).

**Comment:** 4800.5. Parental Notice, Option 1. “The notice shall include the requirement that the LEA must hold at least two public hearings. . . " While we support the proposed language requiring parent notification that the school may be eligible for a parent empowerment petition, we do not believe this goes far enough. To that end, we strongly support the requirement in OPTION 1 for public meetings to be held at the
affected school site informing parents of the petition option and providing information about the allowable turnaround strategies that can be initiated by a successful petition campaign.

Reject: Education Code section 53300 through 53303 do not mandate a public hearing unless an LEA makes a finding in writing at a regularly scheduled meeting stating the reason it cannot implement the specific recommended option. 4800.5(a) has been amended to state that the CDE shall provide a Parent Empowerment website for parents and guardians to obtain further information on circulating a parent empowerment petition. There is nothing in this section that precludes parents and interested stakeholders from convening a meeting to discuss the petition process.

Comment: Section 4800.5. This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition . . . California State PTA supports the requirement for the CDE to provide information for parents and community members via a website.

Response: Section 4800.5 already required that CDE maintain a website with information related to the Parent Empowerment process.

Comment: California State PTA believes that to ensure the transparency of the process, the implications of the adoption of a specific model should also be disclosed, as well as who will be responsible for implementation.

Reject: Comment not related to proposed changes to text. Also, the implications of adopting the specific models are likely to be subject to unforeseen and idiosyncratic variables; however, the LEA is responsible for the implementation, pursuant to Education Code 53300.

Comment: California State PTA supports 4800.5, OPTION 2: Any information provided on CDE’s website shall also be available in multiple languages.

Reject: Option 2 is not adopted as it would have required that any information on CDE’s website be available in multiple languages. This deletion is necessary because it would have been logistically and financially difficult to translate “any information on the CDE website.”

Comment: Section 4801, Petition Signatures. California State PTA supports the contents in this section and appreciates the clarifications on who may sign the petition, however, we continue to have concerns about the definition of matriculating, how this affects magnet schools/open boundary schools and the lack of any required ratio of matriculating parents and parents of already enrolled students.

Response: No response necessary as no recommendation made specific to a particular regulation.

Comment: California State PTA supports the provisions in subsection (g) that specifies that signature gatherers may not offer incentives and states that all shall be free from harassment.

Accept: Section 4802.1(g) is adopted to provide that signature gathers may not offer incentives and that all shall be free from harassment.
**Comment:** 4801(g) Option 2: Signature gatherers shall disclose if they are being paid, and shall not be paid per signature. California State PTA supports Option 2 and believes this disclosure is critical to ensure transparency in the petition process.

**Accept:** Option 2 is adopted as part of Section 4801(g).

**Comment:** Optional new subsection 4801(h): All parties involved in the signature gathering process shall adhere to all school site hours of operation, school and LEA safety policies, and visitor sign in and procedures. PTA does not believe that any Parent Empowerment petition process activities should take place on school site except for informational hearings required. No petition signatures should be gathered on school sites. Protection and safety of students and the school site should be a priority.

**Reject:** Optional New Subsection 4801(h) is added and is necessary based upon the comments received during public comment and the recommendation of a stakeholders group.

**Comment:** 4802(e), formerly (d), Content of the Petition. A description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807, without omission to ensure full disclosure of the impact of the intervention.

While we support the requirement for a description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807, without omission to ensure full disclosure of the impact of the intervention the California State PTA believes that the intervention models described in those sections are written in language that is neither meaningful nor accessible to most parents. Parents need access to clear, concise information that is straightforward, unbiased and not couched in education terms and would like to see that requirement specified.

**Response:** No response necessary. Language in Section 4802(e) is not part of the changes proposed in the Notice of the second 15-day comment period.

**Comment:** 4802(i), formerly (h). California State PTA supports the requirement to disclose that the selected intervention is a charter conversion and that the information must be clearly stated on front page of the petition.

**Response:** No response necessary. Commenter is referring to language which is not part of the changes proposed in the Notice of the second 15-day comment period.

**Comment:** 4802(i), Option 2 and Option 3. We also support Option 2 and Option 3, both of which make clear that parents have multiple options in the petition process. We believe that this access to information empowers parents in the decision making process with the goal that all parents are able to participate in the selection process rather than be presented with a pre-selected choice.

**Accept in Part and reject in Part:** Accept in that the language in Option 2 is added to this subsection, but reject in that Option 3 is deleted based upon comments received during public comment and the recommendation of a stakeholders group that this language may be confusing to parents.
**Comment:** 4802(j). California State PTA supports the requirements in subjections (j)  
**No Response Necessary**

**Comment:** 4802 Optional new subsection (k) and Optional new subsection (l). Parents have the right to understand that they might actually be giving up some rights when selecting the charter process. Inclusion of this information supports past PTA positions that implications of the process should also be disclosed to parents prior to signing. Each of these subsections provides parents with information critical to making informed choices for their students and helps ensure transparency and accountability.  
**Accept in Part and reject in Part:** Reject in that Optional New Subsection 4802(k) is deleted in its entirety. This deletion is necessary because this subsection may be inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply. Accept in that section 4802(k) is added, incorporating the language in Optional New Subsection (l), with the exception that the language that the sample petition be available for “distribution by LEAs” is deleted. Other minor, non-substantive changes have also been made.

**Comment:** Section 4802.2(c). The signatures required to establish a charter school pursuant to section 47605(a)(1) [OPTIONAL: 47605(a)(1) through (3)] and 47605(b)(3) shall not be required.

California State PTA supports this clarification that a conversion charter enacted through the Parent Empowerment process should not require teacher signatures in the same manner that a traditional conversion charter would.  
**Accept:** The optional language is adopted.

**Comment:** We also support OPTIONAL SUBSECTION (d) & (e) both of which clearly involve parents in the decision making process which PTA believes is true parent empowerment.  
**Reject:** Optional Subsections (d) and (e) are deleted in their entirety and Optional Section 4802.2 is instead adopted. This is necessary based upon the comments received during public comment and the recommendation of a stakeholders group, to clarify that petitioners retain decision-making authority regarding whether to solicit a specific charter school operator, charter management organization, or education management organization and to make other changes for clarity and consistency with other sections.

**Comment:** 4802.2 California State PTA supports the requirements in [OPTIONAL NEW SUBSECTION (g)]. Parents have the right to understand that they might actually be giving up some rights when selecting the charter process. Inclusion of this information supports past PTA positions that implications of the process should also be disclosed to parents prior to signing. This subsection provides parents with information critical to making informed choices for their students and helps ensure transparency and accountability.  
**Reject:** Optional New Subsection (g) is not adopted as this subsection may be
inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply.

**Comment:** Optional new section 4802.05: Submission of Petition. The California State PTA supports the clarification of information provided in this OPTIONAL 4802.05 Submission of the Petition. Parents and districts need to clearly understand the requirements so that there is less confusion over the process. With clearly state regulations and expectations, there is greater likelihood for success on the part of parents who are able to meet the criteria for a successful petition submission.

**Accept:** Optional New Section 4802.05 is adopted.

**MARGUERITE NOTEWARE, California School Board Association**

**Comment:** 4800.1. Definitions. The California School Boards Association continues to support an expansion of the definition of "parents or legal guardians of pupils" to include foster parents, but also those persons holding the right to make educational decisions for pupils as delineated in Education Code section 56028. Many foster parents do not have the authority to make educational decisions for the children in their care. If the Board feels expanding the definition is beyond their authority, we ask that a legislative remedy be sought as soon as possible.

**Accept:** Language has been amended to read that parents or legal guardians of pupils means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Welfare and Institutions Code section 361 or 727 or Education Code sections 56028 or 56055, including foster parents who hold the right to make educational decisions on, on the date the petition is submitted.

**Comment:** 4801, Petition Signatures. Education Code Section 53300 reads,”…where at least one-half of the parents or legal guardians of pupils attending the school, or a combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle school that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local education agency to implement one of the four interventions identified pursuant to…” However, section 4801(a) reads “…A petition may not consist solely of signatures of parents or legal of pupils attending only the elementary or middle schools that normally matriculate into a subject middle or high school.” The statute and regulation are inconsistent and unclear. The regulations do not help clarify the statute by define “one-half” of the parents or guardians and omits the language entirely.

**Reject in part and accept in part:** Education Code section 53300 specifies that the petitioner may gather signatures from parents or legal guardians of pupils attending either the subject school alone or the petitioners may gather a combination of signatures of parents or legal guardians of pupils attending the subject school and pupils attending schools that normally matriculate into the subject school. Section 4801(a) has been amended to read:
A petition shall contain signatures of parents or legal guardians of pupils attending the subject school or may contain a combination of signatures of parents and legal guardians of pupils attending the subject school and signature of parents or legal guardians of pupils attending the matriculating schools.

Further, Section 4802.1(e) has been amended to read:

\[(e)(4) \text{ If a petition has sought signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school, then for purposes of calculating whether at least one-half of the parents or legal guardians of at least one-half of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school and the parents or legal guardians of pupils attending the elementary or middle schools who would normally matriculate into the subject school at the time the petition is submitted to the LEA shall be counted. Where pupils attend elementary or middle schools that normally matriculate into more than one subject school, only those pupils attending the subject school and those pupils that normally matriculate, as defined in section 4800.1(g), into the subject school, shall be counted in calculating whether at least one-half of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition. There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement.}\]

**Comment:** The proposed regulations delineate that petition signers may optionally share their address. With such limited information on the petition, it will be challenging for school districts to validate school enrollment for the purposes of signature verification, particularly for those students who attend a matriculating school in a different district.

**Reject:** Information requested in section 4801(d) sufficiently enables verification of petitioners against fraud. Further, Section 4802.1(b) is amended to read in relevant part, “The matriculating LEA or school shall be required to provide information necessary to the subject school and LEA in order to assist in verifying signatures.”
Comment: The California School Boards Association is very concerned that the
proposed regulations do not include provisions prohibiting the payment or
compensation of signature gatherers.
Reject: There is no authority in this statute to prohibit hiring signature gatherers.
However, Section 4801(g), in relevant part, has been amended to read, “Signature
gatherers shall disclose if they are being paid, and shall not be paid per signature.”

Comment: While we strongly support the proposed language in section 4801(h), it
is troubling that these expectations are not reciprocal. Without these safeguards in
place, the Association is worried that special interest groups may try to unfairly
influence parents through the petition preparation and signature gathering process.
Reject: Language in Section 4801(g) has been amended to provide safeguards for
all interested parties.

Comment: 4802, Content of the petition. This section of proposed regulations
contradicts itself with the earlier section 4800.1(h) and the definition of “parents or
legal guardians of pupils.” As written in 4800.1(h), this definition does not include
education rights holders. However, for the purpose of the petition’s heading, the
definition is inexplicably broadened to include these individuals. In order to avoid
confusion in the field and to help facilitate the best educational outcomes for children
in foster care, we recommend that the definition in 4800.1(h) be expanded to include
the provisions delineated in Education Code 56028.
Accept: Section 4800.1(h), formerly subsection (e), and 4802 (a) have been
amended to include foster parents who hold rights to make educational decisions.
“Parents or legal guardians of pupils” means the natural or adoptive parents, legal
guardians, or other persons holding the right to make educational decisions for the
pupil pursuant to Welfare and Institutions Code section 361 or 727 or Education
Code sections 56028 or 56055

Comment: Given the State Board of Education’s preference for including the four
intervention models from the federal Race to the Top program verbatim in the
implementation of this Act, it is unclear why the Restart Model is altered by these
proposed regulations. It is particularly unclear why a petition for this intervention
model may include a request that the subject school be reopened under a specific
charter school operator, charter management organization or educational
management organization. The California School Boards Association recommends
that the regulations do not deviate from the federal definitions.
Reject: Language in the regulations does not change the content of the restart
model.

Comment: In section 4802.1(a) the California School Boards Association requests
that the term “reasonable efforts” be defined in section 4800.1 so that both petitions
signers and school districts may have a shared understanding of the scope of effort
school districts must make to verify signatures.
Accept: Clarifying language is added to section 4802(b), formerly section (a), to
read:
Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. The LEA and matriculating LEAs shall use common verification documents that contain parent or guardian signatures to verify petition signatures such as emergency verification cards signed by all parents or guardians. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. The matriculating LEA or school shall be required to provide information necessary to the subject school and LEA in order to assist in verifying signatures.

**Comment:** Section 4802.1. Continuing to label a school as failing when it has improved school-wide student achievement is gratuitous and unfair to the students, families, teachers and school staff that have work to change the trajectory of achievement at that school. We request that 4802.1(b) be removed from the final regulations.

**Reject:** However, language has been added to address this. Section 4800.1(k)(5) has been amended to read, “A school that exits Program Improvement shall not be subject to continued identification on the Parent Empowerment list.” This was necessary in response to public comment and in response to a stakeholders group.

**Comment:** Section 4802.1. If LEAs may only contact parents to verify signatures, how can LEAs verify where the students attend school as stated in (e)? This will be of particular importance for the students matriculating into the subject school from within or outside the district. LEAs must be granted the authority to check with parents where students are enrolled. In addition, if it is the intent of the SBE that LEAs shall confirm enrollment with district schools and adjacent school districts this must be explicitly stated in the final regulations.

**Accept:** Section 4802.1(b) has been amended to read:

Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. The LEA and matriculating LEAs shall use common verification documents that contain parent or guardian signatures to verify petition signatures such as emergency verification cards signed by all parents or guardians. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. The matriculating LEA or school shall be required to provide information necessary to the subject school and LEA in order to assist in verifying signatures.

This was necessary in response to public comment and in response to a stakeholders group.

**Comment:** While the California School Boards Association agrees that providing a timeline for the petition process is helpful for both parties, we request that section 4802.1(f) be extended to 45 business days.
Reject: Section 4802.1(g), formerly section (f), has been amended from 25 business days to 40 calendar days for the LEA to return the petition to the person designated as the contact person(s). This amendment was in response to public comment and for clarification.

Comment: Section 4802.2. For petitions that concurrently include a charter school petition, we strongly believe the requirement to meet sections of Education Code should be expanded from 47605(b) to include 47605(b-g). As implied in section 4802.2(d) of the proposed regulations, subject school that implement the restart model will become conversion charters. A petition requirement of a conversion charter school is that fifty percent of teachers sign the petition – a requirement we believe must also be included in the final regulations for the implementation of this Act.

Reject: The CSA statutes and regulations that govern how a school is converted to a charter school involves a different process than how a school becomes a charter school under the Parent Empowerment statutes and regulations.

Comment: Proposed section 4804 exceeds the scope of the Board’s authority and imposes a reimbursable mandate on local agencies. Section 4804 as specified in the Federal Register (74 PR 65618.65619), allows an LRA to convert a school or close and reopen a school under a charter school operator, a charter management organization, or an education management company. The regulations do not define the term “rigorous review process” but if it is a process that is to be performed by the LEA, then such a process is a reimbursable state mandate since that requirement is not in the implementing statute or federal requirements.

Reject: Section 4802.2 Section 4802.2 has been amended to read:

If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g) then the rigorous review process required by Education Code section 53300 and section 4804 shall be the review process and timelines set forth in Education Code section 47605(b), excepting 47605(b)(3).

AFTER THE SECOND 15-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A THIRD 15-DAY COMMENT PERIOD.

SECTION 4800

SECTION 4800 is amended to replace Parent Empowerment “provisions” with Parent Empowerment “law.” This is necessary for the sake of clarity.

SECTION 4800.1

SECTION 4800.1(k)(1) is amended to delete the reference to March 11, 2010. This is necessary so that a list of persistently lowest achieving schools can be updated
annually to reflect schools that have failed to make adequate yearly progress as required by Education Code section 53300.

**SECTION 4800.1(k)(5)** is added to incorporate the language proposed in Optional New Subsection 4801(k)(5), thus deleting its designation as an Optional New Subsection. This addition is necessary based on the responses received during public comment and the recommendation of a stakeholders group to clarify that a school that has met federal AYP goals and has exited Program Improvement is no longer subject to the parent empowerment provisions.

**SECTION 4800.5**

Section 4800.5 has now been divided into section 4800.5(a), (b) and (c).

**SECTION 4800.5(a)** requires the CDE to create a website for parents and guardians to obtain further information on circulating a parent empowerment petition. This subsection incorporates language similar to that being deleted in Subsection 4800.5(c) which required that the notice sent to parents pursuant to Section 4800.5 provide the website address for the CDE to obtain further information on circulating a parent empowerment petition. This addition is necessary for clarity purposes since the previous version was confusing in that the phrase “the web site” referred to both the LEA website and CDE website. Subsections were created to distinguish between the CDE website, LEA website, and the LEA notice.

**SECTION 4800.5(b)(1) and (2)** incorporate language already present within Section 4800.5 concerning how an LEA may create a website and what information that website may include. This amendment was necessary for clarity purposes since the previous version was confusing in that the phrase “the web site” referred to both the LEA website and CDE website. Subsections were created to distinguish between the CDE website, LEA website, and the LEA notice.

**SECTION 4800.5(c)** deletes language which now appears in subsections 4800.5(a) and (b) above. It also deletes language that the notice sent to parents may identify an LEA’s parent empowerment website. In addition, it deletes Options 1 and 2. Option 1 would have required that the notice to parents include the requirement that the LEA must hold at least two public hearings related to parent empowerment, with at least one of those meetings being a regularly scheduled meeting, if applicable and one at the site of the subject school. This deletion is necessary because it appears to go beyond the intent of Education Code section 53300. Option 2 would have required that any information on CDE’s website be available in multiple languages. This deletion is necessary because it would have been logistically and financially difficult to translate “any information on the CDE website.”

**SECTION 4801**

**SECTION 4801(a)** is amended to change “and” to “or” for purposes of clarity and consistency.
SECTION 4801(c) is amended to include “that are” for purposes of clarity.

SECTION 4801(g) is amended to delete subsection (g) in its entirety with the exception of Options 1 and 2 within the subsection) and replace it with the language in Optional Subsection (g), deleting the designation as an Optional Subsection, but incorporating Options 1 and 2. The impact of these changes is that Section 4801(g) now includes language prohibiting signature gatherers from making any threats of coercive action, false statements or false promises of benefits to parents or legal guardians in order to persuade them to sign a petition. This amendment is necessary based upon the comments received during public comment and the recommendation of a stakeholders group that was in favor of this option. The language is necessary to clarify that threats or intimidation may not be used by either the LEA or the signature gatherers. It also incorporates Option 1 [adding "members of the community" instead of “community members"] to include members of the community as persons who shall be free of harassment, threats and intimidation. This amendment is necessary based upon the comments received during public comment and the recommendation of a stakeholders group as well as for clarity purposes. It also provides that only parents and legal guardians “of eligible pupils” are to be free of harassment, threats and intimidation. This amendment is necessary to clarify that the scope of these regulations is threats or intimidation related to parent empowerment. Threats or intimidation of parents not related to parent empowerment are covered by other statutes and regulations. It further provides that, in addition to a right to be free from harassment, threats and intimidation related to circulation or signature of a petition, the named groups of persons should be free of such actions if they are related to the discouragement of signing of a petition or to the revocation of signatures from a petition. This amendment is necessary based upon the comments received during public comment and the recommendation of a stakeholders group to clarify that threats or intimidation are prohibited in all parts of the petition process beyond circulation and signature gathering. Finally, Option 2 has been incorporated to provide that signature gatherers shall disclose if they are being paid, and shall not be paid per signature. This addition is necessary based upon the comments received during public comment and the recommendation of a stakeholders group.

SECTION 4801(h) is added to incorporate the language proposed in Optional New Subsection 4801(h), thus deleting the designation as an Optional New Subsection, except that "and" is deleted for clarity purposes. This addition is necessary based upon the comments received during public comment and the recommendation of a stakeholders group.

SECTION 4801(i) is added to incorporate most of the language proposed in Optional New Subsection 4801(i), with one grammatical change, thus deleting its designation as an Optional New Subsection, except that this subsection is further amended to provide that school or district resources shall not be used to “impede” rather than to “influence” the signature gathering process. It further adds clarifying language that the prohibition against using resources to impede the signature gathering process is “pursuant to this section.” These amendments are necessary based upon the comments received during
public comment and the recommendation of a stakeholders group, except that “influence” was amended to “impede” because influence was viewed as too vague.

“Pursuant to this section” was added for clarity purposes.

**OPTIONAL NEW SUBSECTION 4801(j) is deleted in its entirety. This deletion is necessary because the language was unclear and beyond the scope of Education Code 48985. Education Code 48985 applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.**

**SECTION 4802**

**SECTION 4802(i) is amended in several ways. Option 1 is deleted. This deletion is necessary based upon the comments received during public comment and the recommendation of a stakeholders group. Mandating petitioners to request a specific charter operator, charter management organization or education management organization may be contrary to Education Code 53300. The language in Option 2, on the other hand, is added to this subsection. This addition is necessary based upon the comments received during public comment and the recommendation of a stakeholders group. Finally, Option 3 is deleted. This deletion is necessary based upon the comments received during public comment and the recommendation of a stakeholders group that this language may be confusing to parents.**

**OPTIONAL NEW SUBSECTION 4802(k) is deleted in its entirety. This deletion is necessary because this subsection may be inaccurate in that the charter school may choose to retain various committees and in that it is confusing to single out two exemptions from the myriad of laws to which a charter school may or may not comply.**

**SECTION 4802(k) is added, incorporating the language in Optional New Subsection (l), thus deleting its designation as Optional New Subsection (l), with the exception that the language that the sample petition be available for "distribution by LEAs" is deleted. Other minor, non-substantive changes have also been made. This addition is necessary based upon the comments received during public comment and the recommendation of a stakeholders group.**

**SECTION 4802.05**

Section 4802.5 is added to incorporate the language from Optional New Section 4802.05, thus deleting its designation as an Optional New Section. This addition is necessary based upon the comments received during public comment and the recommendation of a stakeholders group.

**SECTION 4802.1**

**SECTION 4802.1 is deleted in its entirety and in its place the language in Optional Section 4802.1 is added, thus deleting its designation as an Optional Section. However, the following amendments are also made:**
SECTION 4802.1(b) is amended to prohibit an LEA from invalidating the signature of a parent or legal guardian of “an eligible” pupil on a minor technicality “assuming the parent or legal guardian is entitled to sign the petition”, when previously the language prohibited an LEA from invalidating the signature of a parent or legal guardian of “a pupil” on a minor technicality “where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition.”

SECTION 4802.1(e) is amended to change the reference from “at least one half of the parents or legal guardians of pupils” to “the parents or legal guardians of at least one-half of pupils.” Subsection (e) is also amended to state that the population to be counted in calculating whether one-half is reached are the parents or legal guardians of one-half of the pupils “attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted…”

SECTION 4802.1(k) is amended to change 20 business days to 25 calendar days.

SECTION 4802.1(l) is amended to require that the LEA shall notify the SSPI and the SBE within 15 calendar days of its receipt of a petition and within five calendar days of the final disposition of the petition, instead of 10 business days and two business days respectively. Subsection (l) also deletes the provision that an LEA include in the written finding “the compelling interest that supports such a finding.” This amendment is necessary in light of feedback from stakeholders that the statute did not justify such a requirement and to conform to prior changes to Section 4800.1(l) where similar language was removed.

Adopting Optional New Section 4802.1, with the above amendments, in place of Section 4802.1, is necessary based upon the comments received during public comment and the recommendation of a stakeholders group.

SECTION 4802.2

SECTION 4802.2, including Optional Subsections (d) and (e) and Optional New Subsection (g), is deleted in its entirety and in its place Optional Section 4802.2 is added, deleting its designation as an Optional Section, with the following amendments:

SECTION 4802.2(b) deletes the reference to a “specific” charter operator, charter management organization or education management organization.

SECTION 4802(d) also deletes the reference to “specific” charter school, operator, charter management organization or education management organization. It also deletes the language that, if a parent empowerment petition does not include a proposed charter and the LEA does not reject the petition pursuant to section 4802.1(g), then the LEA must either immediately solicit charter proposals itself and select one through a rigorous review process to begin at the end of a solicitation period not to exceed 90 calendar days or direct the parent petitioners to submit a charter proposal within 90 calendar days and then conduct the rigorous review process once the
proposal is submitted to the LEA. In its place, language is added that if a petition does not include a proposed charter but requests that the subject school be opened under a charter school operator, charter management organization or education management organization and the LEA does not reject the petition pursuant to 4802.1(g), then the LEA must promptly notify the petitioners it has adopted the restart model and give them a chance to solicit proposals and select a specific charter school operator or decline to do so. It further provides that if the petitioners opt to solicit and choose a specific operator, they must submit the proposal to the LEA within 90 calendar days, whereafter the charter proposal would undergo the rigorous review process by the LEA. If the petitioners inform the LEA that they have declined to solicit proposals and select an operator, the LEA must, within 20 calendar days, solicit its own proposals, select one, and then conduct the rigorous review process, which shall begin at the end of the solicitation period and not exceed 90 calendar days.

Adopting Optional Section 4802.2, with the above amendments, in place of Section 4802.2, is necessary based upon the comments received during public comment and the recommendation of a stakeholders group. Language was also added in (d) to clarify that petitioners retain decision-making authority regarding whether to solicit a specific charter school operator, charter management organization, or education management organization. Other changes were made for clarity and consistency with other sections.

SECTION 4808

The Option in this section is deleted. This is because the language was not necessary.

COMMENTS RECEIVED DURING THE PERIOD THE THIRD 15-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC

The modified text was made available to the public from July 22, 2011 through August 8, 2011, inclusive. Six written submissions representing 23 comments were received during the third 15-day comment period. Pursuant to Government Code sections 11346.9(a)(3) and (a)(5), California Department of Education (CDE) staff, on behalf of the SBE, has summarized and responded to those comments as follows:

KAREN CADIERO KAPLAN, Californians Together

Comment: Do not delete Optional New Subsection (j) of Section 4801, regarding translation of the petition.
Reject: Optional new subsection (j) is not reinserted as the language was unclear and beyond the scope of Education Code section 48985 which applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.

Comment: Do not delete Option 1 of Section 4800.5(c) regarding public meetings.
Reject: As stated previously, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot
implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statute requires that any hearings or meetings be held by the school or the LEA nor precludes the school or the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

**Comment:** Amend Subsection 4802.1(l) to require the SSPI and SBE to post correspondences from the LEA regarding a submitted petition on the CDE website. Information should include notice of the final disposition of a petition and the rationale of the action taken on a petition.

**Reject:** While the CDE will likely include such information on its website, the SBE does not feel it is necessary that the regulations mandate the reporting of this information.

**ANGELA SOLIS, Alliance for a Better Community**

**Comment:** Commenter discusses history of the Parent Empowerment regulation process and urges adoption of regulations and submission to the Office of the Administrative Law.

**No response necessary.**

**PATTY SCRIPTER, California State Parent Teacher Association**

**Comment:** Believes the language in Section 4800.5, Option 1, should not have been deleted.

**Reject:** As stated previously, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statute requires that any hearings or meetings be held by the school or the LEA nor precludes the school or the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

**Comment:** Do not delete Optional New Subsection (j) of Section 4801.

**Reject:** This section was not adopted as the language was unclear and beyond the scope of Education Code section 48985 which applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.

**Comment:** Amend 4802.1(e) to clarify the denominator for establishing the 50% threshold for matriculating schools. Proposed amendments to this section can be interpreted to mean that parents of only one or two of multiple feeder schools may determine the outcome of a subject school that serves pupils from more feeder schools. Enrollment at all matriculating schools should be the denominator for the number of signatures required when parents from those schools participate in the Parent Empowerment process.
Reject: The amendment is unnecessary. Section 4801(a) provides that a petition shall contain the signatures of parents or legal guardians of pupils attending the subject school or it may contain signatures of parents or legal guardians of pupils attending the subject school and the signatures of parents or legal guardians of pupils attending the matriculating schools. The matriculating schools would be all of the schools that normally matriculate into the subject school as set forth in Section 4800.1(m).

Comment: Amend Subsection 4802.1(l) to require the SSPI and the SBE to post correspondences from the LEA regarding a submitted petition on the CDE website. Specifically, before adopting Subsection (l), we support the following amendment:

(l) The LEA shall notify the SSPI and the SBE in writing within fifteen calendar days of its receipt of a petition and within five calendar days of the final disposition of the petition. CDE shall post this information on its website. The notice of final disposition shall state that the LEA will implement the recommended option or include the written finding stating the reason it cannot implement the specific recommended option, designating which of the other options it will implement and stating that the alternative option selected has substantial promise of enabling the school to make adequate yearly progress.

Reject: While the CDE may choose to include such information on its website, the SBE does not feel it is necessary that the regulations mandate the reporting of this information.

PRISCILLA WINSLOW, California Teachers Association

Comment: Section 4800.5, Option 1 would have required that two public meetings be held to seek input from staff, parents and the community regarding the option or options most suitable for the school. For the reasons set forth in the letter, we urge that this requirement be reinstated to these regulations. 

Reject: As stated previously, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statute requires that any hearings or meetings be held by the school or the LEA nor precludes the school or the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

Comment: Section 4801(i) was changed from “influence” to “impede.” The previous version of this regulation was vague. The same problem persists with this new wording. In addition, subsection (i) is unnecessary and misguided.

Reject: Subsection (i) of Section 4801 is necessary based upon the comments received during public comment and the recommendation of a stakeholders’ group. The amended language changing “influence” to “impede” and the addition of “pursuant to this section” provides the necessary clarity.

Comment: SBE is without authority to enact Section 4802(i) and it should be deleted as it conflicts with the Charter Schools Act.
Response: Commenter has previously commented that allowing petitioners who request that a restart intervention model be implemented be allowed to further request that the school be reopened under a specific charter school operator, charter management organization or education management organization is a violation of the Charter School Act. Comment does not appear to pertain to specific proposed changes in the Third 15-Day Notice of Modifications to Text of Proposed Regulations.

Comment: Section 4802.2(b) explicitly renders another statute provision null and void with respect to Parent Empowerment petitions. We suggest that the language in Section 4802.2(b), appearing on page 13, lines 9-13 be eliminated from the proposed regulations.
Response: Commenter has previously made this comment. Comment does not pertain to proposed changes in the Third 15-Day Notice of Modifications to Text of Proposed Regulations.

Comment: Section 4802.2(c) implies that a petition for the restart option may be accompanied by the charter petition. We oppose this option which would permit the parent empowerment petition to stand as a substitute for the charter petition. The Board does not have the authority to waive the signature requirements set forth in Education Code section 47605. Therefore, the phrases “excepting 47605(b)(3)” must be deleted.
Response: Commenter has previously made this comment. Comment does not pertain to proposed changes in the Third 15-Day Notice of Modifications to Text of Proposed Regulations.

Comment: Section 4807, pertaining to the description of the Alternative Governance Arrangement should indicate that a school that participates in the Quality Education Investment Act program will be considered a school that is in alternative governance intervention. We urge the SBE to add the following to Section 4807 at line 20, page 29:

Participation in the Quality Education Investment Act shall constitute an Alternative Governance Arrangement.

Response: Commenter has previously made this comment. Comment does not pertain to proposed changes in the Third 15-Day Notice of Modifications to Text of Proposed Regulations.

Comment: Section 4808, this proposed regulation must include the option “to the extent permitted by law.” It should be restored.
Reject: This comment is rejected as the quoted language is deemed to be unnecessary since the State Board of Education does not have the authority to adopt regulations that are not permitted by law.

KATHERINE VALENZUELA and LIZ GUILLEN, Public Advocates  
SERGIO CUELLAR, Californians For Justice  
BILL RING, TransParent®
**Comment:** Do not delete Option 1 of Section 4500.5(c) regarding public meetings. We recommend reinserting Option 1 language.

**Reject:** As stated previously, Education Code section 53300 provides that an LEA must make a finding in writing at a regularly scheduled meeting only if the LEA cannot implement the specific recommended option and instead designates in writing which of the other options it will implement. Nothing in the Parent Empowerment statute requires that any hearings or meetings be held by the school or the LEA nor precludes the school or the LEA from holding such hearings or meetings or petitioners from holding public information meetings.

**Comment:** Do not delete Optional Subsection (j) of Section 4801 regarding translation of the petition.

**Reject:** Optional new subsection (j) is not reinserted as the language was unclear and beyond the scope of Education Code section 48985 which applies only to notices and documents given to parents by the school or LEA. Neither the school nor the LEA will be distributing the petition.

**Comment:** Amend Section 4802.1(e) to clarify the denominator for establishing the 50% threshold for matriculating schools. This section should be further amended to state:

> Where pupils attend elementary or middle schools that normally matriculate into more than one subject school, only those pupils attending the subject school and those pupils that normally matriculate, as defined in Section 4800.1(g), into the subject school, shall be counted in calculating whether the parents or legal guardians of at least one-half of pupils attending the subject schools and **all of** the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition.

**Reject:** The amendment is unnecessary. Section 4801(a) provides that a petition shall contain the signatures of parents or legal guardians of pupils attending the subject school or it may contain signatures of parents or legal guardians of pupils attending the subject school and the signatures of parents or legal guardians of pupils attending the matriculating schools. The matriculating schools would be all of the schools that normally matriculate into the subject school as set forth in Section 4800.1(m).

**Comment:** Further amend Optional Subsection 4802.1(e) to allow LEAs to consider the ratio of subject school versus matriculating school parent signatures in their deliberations. We recommend that section 4802.1(e) be amended as follows:

There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement. **The ratio of signatures obtained may be a factor considered by the LEA in disapproving a petition.**
Reject: Pursuant to Education Code section 53300, the LEA does not disapprove of petitions. Rather, the LEA decides whether to implement the intervention model requested in the petition or whether it cannot implement the specific intervention model requested and instead designates which of the other options it will implement in the subsequent school year. The suggested language is rejected as it is up to each LEA to determine whether it can or cannot implement the intervention requested, using whatever factors are relevant for that determination.

Comment: Further amend Subsection 4802.1(l) to require the SSPI and the SBE to post correspondence from the LEA regarding a submitted petition on the CDE website.

(l) The LEA shall notify the SSPI and the SBE in writing within fifteen calendar days of its receipt of a petition and within five calendar days of the final disposition of the petition. CDE shall post this information on its website. The notice of final disposition shall state that the LEA will implement the recommended option or include the written finding stating the reason it cannot implement the specific recommended option, designating which of the other options it will implement and stating that the alternative option selected has substantial promise of enabling the school to make adequate yearly progress.

Reject: While the CDE may choose to include such information on its website, the SBE does not feel it is necessary that the regulations mandate the reporting of this information.

BILL RING, TransParent®

Comment: LAUSD has a transient student population. While proponents of the legislation will generally assume that the population of the feeder schools will be roughly equivalent to the population of the subject schools, there are a number of examples of schools in LAUSD where the feeder school population far exceeds the schools into which they feed because children often leave the LAUSD school system. Is this being considered in the regulations? What is the argument in favor of giving parents with no direct stake (those who are leaving and those who are too far in the future) a vote?

Reject: The Board cannot implement regulations that contradict the enabling statutes. The parent empowerment statutes provide that a combination of at least one-half of the parents and legal guardians of pupils attending the school and one-half of the parents and legal guardians of pupils attending the elementary or middle schools that normally matriculate into the school may sign a petition and attempt to implement an intervention. In addition, the comment does not pertain to a specific regulation or to the proposed changes in the Third 15-Day Notice of Modifications to Text of Proposed Regulations.

Comment: I am also concerned about the multiple votes for multiple children provision. Shouldn’t we have “one man (person), one vote”?
Reject: The parent empowerment statutes allow parents or legal guardians of pupils to sign a petition. The SBE cannot adopt regulations prohibiting parents or legal guardians from signing a petition for each of their pupils as it would violate the Parent Empowerment statutes. In addition, the comment does not pertain to proposed changes in the Third 15-day Notice of Modifications to Text of Proposed Regulations.

Comment: An additional concern: in single parent households or in situations where parents are separated and divorced, which parents gets to sign a petition to make it valid?
Response: The comment does not pertain to a specific regulation or to the proposed changes in the Third 15-Day Notice of Modifications to Text of Proposed Regulations.

LOCAL MANDATE DETERMINATION

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

ALTERNATIVES DETERMINATION

The State Board of Education (SBE) has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

8-11-11 [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 **bold underlined**; text proposed to be deleted is displayed in **bold strikeout**.

• The 15-day text proposed to be added is in ***bold double underline***, deleted text is displayed in ***bold double strikeout***.

• The second 15-day text proposed to be added is in ***shaded underline***, deleted text is displayed in ***shaded strikeout***.

• The second 15-day text proposed in brackets as OPTION or OPTIONAL, illustrates language which the Board of Education is considering including in the regulations but has not determined whether to include or not and wishes to hear the comments of the public regarding its potential inclusion, are displayed as ***shaded italics underline*** and ***shaded italics strikethrough***.

• The third 15-day text proposed to be added is in ***bold shaded underline***, deleted text is displayed in ***bold shaded strikeout***. Comments limited to these third 15-day text changes.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 5.2.5. Parent Empowerment

Subchapter 1. Parent Empowerment


§ 4800. Intent.

It was the intent of the Legislature and remains the intent of the State Board of Education (SBE) for the Parent Empowerment provisions law shall to remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010, Senate Bill X5-4 to the extent allowable under the law.


§ 4800.1. Definitions.

(a) “Elementary school” means a school, regardless of the number of grade levels, whose graduates matriculate into either a subject elementary, middle or
(b) “Eligible signature” means a signature of a parent or legal guardian of a pupil that can be counted toward meeting the requirement that at least one-half of the parents or legal guardians of pupils have signed the petition as set forth in Education Code section 53300.

(c) “Final disposition” means the action taken by the local educational agency (LEA) to implement the requested intervention option presented by a petition or implement one of the other intervention options as set forth in Education Code section 53300.

(d) “High school” means four-year high schools, junior high schools, senior high schools, continuation high schools, and evening schools.

(e) “Intervention” or “requested intervention” means:

(1) one of the four interventions (turnaround model, restart model, school closure, and transformation model) identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Education Code section 53202 and as further described in Appendix C of the Notice of Final Priorities, Requirements, Definitions, Section Criteria for the Race to the Top program published in Volume 74 of Number 221 of the Federal Register on November 18, 2009; or

(2) the alternative governance arrangement pursuant to Title 20 U.S.C. Section 6316(b)(8)(B)(v).

(f) “Middle school” means a school, regardless of the number of grade levels, whose graduates matriculate into a subject high school. Middle school also means a junior high school whose graduates matriculate into a subject senior high school.

(g) “Normally matriculate” means the typical pattern of attendance progression from an elementary school to a subject elementary school, from an elementary school to a subject middle or high school or from a middle school to a subject high school, as determined by the LEA(s) pursuant to established attendance boundaries, published policies or practices in place on the date the petition is submitted.
(h)(e) “Parents or legal guardians of pupils” means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Welfare and Institutions Code section 361 or 727 or Education Code sections 56028 or 56055, including foster parents who hold rights to make educational decisions, on the date the petition is submitted.

(i)(f) “Petition” means a petition requesting an local educational agency (LEA) to implement one of the interventions defined in subdivision (e)(d).

(j)(g) “Pupils attending the subject school or elementary or middle schools that normally matriculate into a subject middle or high school” means a pupils attending enrolled in the school on the date the petition is submitted to the LEA.

(k)(h) “Subject school” means a school not identified by the Superintendent of Public Instruction following the release of the annual adequate yearly progress report, as a persistently lowest-achieving school that: under Education Code section 53201 which, after one full school year, is subject to corrective action pursuant to 20 U.S.C. Section 6316(b)(7) and continues to fail to make adequate yearly progress, and has an Academic Performance Index (API) score of less than 800.

(1) Is not one of the persistently lowest-achieving schools identified by the SBE on March 11, 2010;

(2) Has been in corrective action pursuant to paragraph (7) of Section 1116(b) of the federal Elementary and Secondary Education Act for at least one full academic year;

(3) Has failed to make adequate yearly progress (AYP); and

(4) Has an Academic Performance Index (API) score of less than 800.

[OPTIONAL NEW SUBSECTION(k)(5): A school that exits Program Improvement shall not be subject to continued identification on the Parent Empowerment list.]

(l) “Cannot implement the specific recommended option” means that an LEA is unable to implement the intervention requested in the petition and has a compelling interest to support provided in writing, during a regularly
scheduled public meeting, the considerations, and reasons for reaching such a finding.

(m) "Matriculating School" means all elementary or middle schools that normally matriculate into a subject elementary, middle, or high school.


§ 4800.3. Requirement to Serve All Pupils.

Every pupil that attended a subject school prior to the implementation of an intervention shall continue to be enrolled in the school during and after an intervention is implemented pursuant to Education Code section 53300, unless the parent or legal guardian of the pupil chooses to enroll the pupil in another school or the school is closed. In addition, any pupil who resides in the attendance area of the subject school during or after the implementation of an intervention has a right to attend the school, subject to any laws or rules pertaining to enrollment.


§ 4800.5. Parental Notice.

(a) The CDE shall create a website for parents and guardians to obtain further information on circulating a parent empowerment petition.

(b) An LEA may create a website that lists the schools in the LEA subject to the provisions of the Parent Empowerment law, including enrollment data and attendance boundaries for each school. The web site may also inform parents and legal guardians of pupils how they may:

(1) Sign a petition requesting the school district to implement one or more interventions to improve the school, and

(2) Contact community-based organizations or work with individual school administrators and parent and community leaders to understand
the school intervention options and provide input about the best options for the school.

(c) Consistent with the requirements of Section 1116(b)(1)(E) of the federal Elementary and Secondary Education Act of 2001 (20 U.S.C. Section 6301 et seq.), on the date the notice of restructuring planning or restructuring status, Program Improvement Year 4 or later, is given pursuant to federal law, the LEA shall provide the parents and guardians of all pupils enrolled in a school in restructuring planning or restructuring status with notice that the school may be eligible for a parent empowerment petition to request a specific intervention pursuant to Education Code section 53300 and shall list the CDE website address created pursuant to section 4800.5(a). [OPTION 1: The notice shall include the requirement that the LEA must hold at least two public hearings to notify staff, parents and the community of the school’s designation and to seek input from staff, parents and the community regarding the option or options most suitable for the school. At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest achieving.] This notice shall provide the web site address for the California Department of Education to obtain further information on circulating a parent empowerment petition. [OPTION 2: Any information provided on CDE’s website shall also be available in multiple languages.] This notice may also identify a web site at which the LEA may list the schools in the district subject to the provisions of the Parent Empowerment statutes, including enrollment data and attendance boundaries for each school. The web site may also and informing parents and legal guardians of pupils how they may sign a petition requesting the school district to implement one or more interventions to improve the school and how they may contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the
best option for the school. This notice, and any other written
communication from the school or the LEA to parents or legal guardians of
pupils, must meet the language requirements of Education Code section
48985.
NOTE: Authority cited: Section 33031, Education Code. Reference:
Sections 48985 and 53300, Education Code; and 20 U.S.C. Section 6301.

§ 4801. Petition Signatures.
(a) A petition may only contain signatures of parents or legal guardians of
pupils attending the subject school or a combination of signatures of parents or
legal guardians of pupil(s) attending the subject school and all the elementary or
middle schools that normally matriculate into a subject middle or high school. A
petition may not consist solely of signatures of parents or legal guardians of
pupils attending only the elementary or middle schools that normally matriculate
into a subject middle or high school.
(b) A petition may be signed by a parent or legal guardian once for
each of his or her pupils attending the subject school or, if the petition
contains a combination of signatures of parents or legal guardians of
pupils attending the subject school and the elementary or middle schools
that normally matriculate into a subject middle or high school, it may be
signed by a parent or legal guardian once for each of his or her pupils
attending the subject school or the elementary or middle schools that
normally matriculate into the subject middle or high school. A petition must
shall contain signatures of parents and or legal guardians of pupils
attending the subject school, or and may contain a combination of
signatures of parents and or legal guardians of pupils attending only the
elementary or middle schools that normally matriculate into a subject middle
or-high-school subject school and signatures of parents or legal guardians of
pupils attending the matriculating schools. A petition may not consist solely of
signatures of parents or legal guardians of pupils attending the matriculating
schools.
(b)(c) Only one parent or legal guardian per pupil may sign a petition.

(c)(d) The petition must have boxes with room that are consecutively numbered commencing with number 1, with sufficient space for the signature of each petition signer as well as his or her printed name, address, city or unincorporated community name and zip code, date, pupil’s name, the pupil’s date of birth, the name of the school the pupil is currently attending, and the pupil’s current grade.

(1) The petition shall state that the disclosure of the address, city or unincorporated community name and zip code is voluntary, and cannot be made a condition of signing the petition.

(d)(e) The petition boxes referenced in subdivision (d) must be consecutively numbered commencing with the number 1 for each petition section. The boxes described in subdivision (c)(d) may also have space for the signer’s address, city or unincorporated community name, and zip code, or request other information, and if so, the petition shall make clear that providing such information is voluntary, and cannot be made a condition of signing the petition.

(e)(f) Because a petition may be signed by a parent or a legal guardian once for each of his or her pupils attending the subject school or, if the petition contains a combination of signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into a subject middle or high school, once for each of his or her pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject middle or high school, separate petition boxes must be completed by the parent or legal guardian for each of his or her pupils.

(f)(g) A petition may be circulated and presented in sections, so long as each section complies with the requirements of set forth in this section and section 4802 regarding the content of the petition.

(g)(h) Signature gatherers may not offer gifts, rewards, or tangible incentives to parents or legal guardians to sign a petition, except that signature gatherers may discuss educational related improvements hoped
to be realized by implementing the requested intervention option. Signature gatherers, students, school site staff, LEA staff, [OPTION 1: community members] and parents and legal guardians shall be free from harassment, threats, and intimidation related to circulation or signature of a petition. [OPTION 2: Signature gatherers shall disclose if they are being paid, and shall not be paid per signature.]

[OPTIONAL SUBSECTION(g) (in place of g above): Signature gatherers may not offer gifts, rewards, or tangible incentives to parents or legal guardians to sign a petition. Nor shall signature gatherers make any threats of coercive action, false statements or false promises of benefits to parents or legal guardians in order to persuade them to sign a petition, except that signature gatherers, school site staff or other members of the public may discuss education related improvements hoped to be realized by implementing any intervention described in these regulations. Signature gatherers, students, school site staff, LEA staff, members of the community and parents and legal guardians of eligible pupils shall be free from harassment, threats, and intimidation related to circulation or signature of a petition, or to the discouraging of signing a petition or to the revocation of signatures from the petition.] Signature gatherers shall disclose if they are being paid, and shall not be paid per signature.

[OPTIONAL NEW SUBSECTION(h): All parties involved in the signature gathering process shall adhere to all school site hours of operation, school and LEA safety policies, and visitor sign in and procedures.]

[OPTIONAL NEW SUBSECTION(i): School or district resources shall not be used to influence-impede the signature gathering process pursuant to this section.]

[OPTIONAL NEW SUBSECTION(j): This petition must meet the legal requirements of Education Code §48985.]


§ 4802. Content of the Petition.
The petition or and each section of the petition shall contain the following elements:

(a) A heading which states that it is a Petition of Parents, Legal Guardians, and Persons Holding the Right to Make Educational Decisions for Pupils, Including Foster Parents who hold rights to make educational decisions to request implement an Intervention be implemented at the specified subject school and to be submitted to a specified LEA;

(b) A statement that the petition seeks the signatures of the parents or legal guardians of the pupils attending the subject school or, in the alternative, the signatures of the parents or legal guardians of the pupils attending the subject school and the signatures of the parents or legal guardians of the pupils attending elementary or middle schools who would normally matriculate into the subject school;

(c) The name and public contact information of the person to be contacted by either persons interested in the petition or by the LEA;

(d) Identification of the requested intervention;

(e) A description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807, without omission to ensure full disclosure of the impact of the intervention;

(f) The name of the subject school;

(g) Boxes as designated in section 4801(d) and (e);

(h) An affirmation that the signing parent or legal guardian is requesting the LEA to implement the identified intervention at the subject school; and

(i) A request to an LEA to implement the restart model intervention identified pursuant to paragraph (2) of subdivision (a) of Education Code section 53202 may [OPTION 1: shall] also request that the subject school be reopened under a specific charter school operator, charter management organization or education management organization and, if so, that information must be clearly stated on the front page of the petition [OPTION 2: including contact information of the charter school operator, charter management organization or education management organization.] [OPTION 3: The petition shall also
disclose that parents have the option of signing a petition that does not
designate a specific charter school operator, charter management
organization or education management organization] that has been
selected by a rigorous review process.

(j) The names of any agencies or organizations that the person identified
in subdivision (c) is affiliated with that are supporting the petition, either
through direct financial assistance or in-kind contributions of staff and
volunteer support, must be prominently displayed on the front page of the
petition.

[OPTIONAL NEW SUBSECTION(k): A petition requesting to implement
the restart model intervention as a charter school model pursuant to
paragraph (2) of subdivision (a) of Education Code section 53202 and
4802.2, shall state that parent advisory committees or alternative programs
if provided for in the LEA, will not be available in the restart model-charter
school nor is the charter school required to comply with the parent waiver
requirements of Education Code sections 310 and 311.

[OPTIONAL NEW SUBSECTION(l): (k) The CDE shall develop a sample
petition that can be used by interested petitioners. The sample petition shall be
available on the CDE website and available for distribution by LEAs to for
interested petitioners to use. The CDE shall make the sample petition shall be
available in other languages pursuant to Education Code §48985.
Petitioners shall not be required to use the sample petition however alternate
petitions must contain all required components pursuant to statutory and
regulatory requirements.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
48985, 53202 and 53300, Education Code.

[OPTIONAL NEW SECTION §4802.05: Submission of Petition.

(a) Petitioners may not submit a petition until they reach or exceed the 50
percent threshold based on accurate and current enrollment data provided by the
LEA. The date of submission of the petition shall be the start date for
implementation of all statutory and regulatory requirements.

(b) An exception shall be made for a one-time resubmission opportunity to correct a petition based on errors identified by the LEA, verify signatures after a good faith effort is made by the LEA to do so first, or submit additional signatures. The start date for a resubmitted petition shall be the date it is resubmitted. No rolling petitions shall be accepted by the LEA.

(c) At the time of submission the petitioner shall submit a separate document that identifies at least one but no more than five lead petitioners with their contact information.

(d) The role of lead petitioners is to assist and facilitate communication between the parents who have signed the petition and the LEA. The lead petitioner contacts shall not be authorized to make decisions for the petitioners or negotiate on behalf of the parents.


§ 4802.1. Verification of Petition Signatures and Obligations of the LEA.

(a) An LEA must provide, in writing, to any persons who request it, information as to how the LEA intends to implement section 4800.1(g) as to any subject school and any normally matriculating elementary or middle schools, including providing enrollment data and the number of signatures that would be required pursuant to section 4802.1(e).

(b)(a) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations match the information contained on the petition against existing enrollment records for accuracy. If a discrepancy is found, the LEA may contact the parents and legal guardians of pupils for verification purposes. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. An LEA shall not invalidate the signature of a parent or legal
guardian of a pupil on a technicality where it is clearly the intent of the
parent or legal guardian to support the petition and the parent or legal
guardian is entitled to sign the petition.

(c)(b) If, on the date the petition is submitted, a school is identified
pursuant to section 4800.1(k), it shall remain a subject school until final
disposition of the petition by the LEA even if it thereafter ceases to meet
the definition of a subject school.

(d)(c) If a petition has sought only signatures of parents of pupils
attending the subject school, then for purposes of calculating whether at
least one-half of the parents or legal guardians of all students pupils
attending the subject school on the date the petition has been submitted
have signed the petition, only those signatures of parents or legal
guardians of pupils attending enrolled in the subject school on the date the
petition is submitted to the LEA shall be counted.

(e)(d) If a petition has sought signatures of parents or legal guardians of
pupils attending the subject school and the matriculating schools
elementary or middle schools that normally matriculate into the subject
school, then for purposes of calculating whether at least one-half of the
parents or legal guardians of pupils attending enrolled in the subject
school and the matriculating schools elementary or middle schools that
normally matriculate into the subject school on the date the petition has
been submitted have signed the petition, only those signatures of parents
or legal guardians of pupils attending enrolled in the subject school and
the parents or legal guardians of pupils attending enrolled in the
elementary or middle schools who would normally matriculate into the
subject school matriculating schools at the time the petition is submitted to
the LEA shall be counted. Where pupils attend elementary or middle
schools that normally matriculate into more than one subject school, only
those pupils attending the subject school and those pupils that normally
matriculate, as defined in section 4800.1(g), into the subject school, shall
be counted in calculating whether at least one-half of the parents or legal
guardians of pupils have signed the petition. There is no specified ratio
required of signatures gathered at each school, rather the total ratio of
signatures gathered must meet the one-half requirement.

(f)(e) In connection with the petition, the LEA may only contact parents
or legal guardians to verify eligible signatures on the petition.

(g)(f) Upon receipt, the LEA may, within 20-25 business days, return the
petition to the person designated as the contact person as specified in
section 4802(c), if the LEA determines any of the following:

1. One half of the parents or legal guardians of pupils meeting the
requirements of section 4801(a) have not signed the petition;

2. The school named in the petition is not a subject school; or

3. The petition does not substantially meet the requirements specified
in section 4802. In such a case, the LEA shall immediately provide the
contact person written notice of its reasons for returning the petition, and
its supporting findings.

[OPTIONAL NEW SUBSECTION(g)(4): That the petition has not been
translated into the number of languages as required by Education Code
§48985.]

(h)(g) If the petition is returned pursuant to section 4802.1(g)(1), the
same petition may be resubmitted to the LEA with additional signatures as
long as no substantive changes are made to the petition. If substantive any
changes are made to the petition, it must be recirculated for signatures
before it may be resubmitted to the LEA.

(i)(g) If the LEA does not return the petition pursuant to subdivision
(g)(f), the LEA shall have 45 business days from the date the petition is
received to reach a final disposition. The date may be extended by an
additional 20 business days if the LEA and the person listed in section
4802(c) agree to the extension in writing.

(j)(h) The LEA shall notify the SSPI and the SBE in writing within ten
business days of its receipt of a petition and within two business days of
the final disposition of the petition. The notice of final disposition shall
state that the LEA will implement the recommended option or include the
written finding stating the reason it cannot implement the specific
recommended option, including the compelling interest that supports such
a finding, designating which of the other options it will implement and
stating that the alternative option selected has substantial promise of
enabling the school to make adequate yearly progress.

(k)(i) If the number of schools identified in a petition and subject to an
intervention by a final disposition will exceed the maximum of 75 schools
pursuant to Education Code section 53302, and the SSPI and the SBE
receive on the same day two or more notifications of final dispositions that
agree to implement an intervention on the same day, the petition will be
chosen by random selection.

[OPTIONAL SECTION §4802.1 (in place of 4802.1 above):
§ 4802.1. Verification of Petition Signatures and Obligations of the LEA.
  (a) An LEA must provide, in writing, to any persons who request it,
information as to how the LEA intends to implement section 4800.1(g) as to any
subject school and any normally matriculating elementary or middle schools,
including providing enrollment data and the number of signatures that would be
required pursuant to section 4802.1(e).
  (b)(e) Upon receipt of the petition, the LEA may make reasonable efforts to
verify that the signatures on the petition can be counted consistent with these
regulations. The LEA and matriculating LEAs shall use common verification
documents that contain parent or guardian signatures to verify petition signatures
such as emergency verification cards signed by all parents or guardians. In order
to verify the enrollment of a pupil in a school that normally matriculates into the
subject school, but is not within the jurisdiction of the LEA, an LEA may contact
the school or the LEA of the school. The matriculating LEA or school shall be
required to provide information necessary to the subject school and LEA in order
to assist in verifying signatures. An LEA shall not invalidate the signature of a
parent or legal guardian of an eligible pupil on a minor technicality assuming
the parent or legal guardian is entitled to sign it where it is clearly the intent of the parent or legal guardian to support the petition and the parent or legal guardian is entitled to sign the petition. The LEA and the matriculating LEA or school shall make a good faith effort to contact parents or guardians when a signature is not clearly identifiable including phone calls to the parent or guardian.

(c)(b) If, on the date the petition is submitted, a school is identified pursuant to section 4800.1(k), it shall remain a subject school until final disposition of the petition by the LEA even if it thereafter ceases to meet the definition of a subject school unless that school has exited federal Program Improvement and is at or over 800 on the Academic Performance Index.

(d)(c) If a petition has sought only signatures of parents of pupils attending the subject school, then for purposes of calculating whether parents or legal guardians of at least one-half of pupils at least one-half of the parents or legal guardians of all students pupils attending the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school on the date the petition is submitted to the LEA shall be counted.

(e)(d) If a petition has sought signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school, then for purposes of calculating whether at least one-half of the parents or legal guardians of at least one-half of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school and parents or legal guardians of pupils attending the elementary or middle schools who would normally matriculate into the subject school at the time the petition is submitted to the LEA shall be counted. Where pupils attend elementary or middle schools that normally matriculate into more than one subject school, only those pupils attending the subject school and those pupils that normally matriculate, as
defined in section 4800.1(g), into the subject school, shall be counted in
calculating whether at least one-half of the parents or legal guardians of at
least one-half of pupils attending the subject school and the elementary or
middle schools that normally matriculate into the subject school on the
date the petition has been submitted have signed the petition. There is no
specified ratio required of signatures gathered at each school, rather the total
ratio of signatures gathered must meet the one-half requirement.

(f)(e) In connection with the petition, the LEA may only contact parents or
legal guardians to verify eligible signatures on the petition. The identified lead
petitioners for the petition shall be consulted to assist in contacting parents or
legal guardians when the LEA fails to reach a parent or legal guardian.

(g)(f) Upon receipt, the LEA may, within 20-25 business 40 calendar days,
return the petition to the person designated as the contact person or persons as
specified in section 4802(c), if the LEA determines any of the following:

(1) One half of the parents or legal guardians of pupils meeting the
requirements of section 4801(a) have not signed the petition;

(2) The school named in the petition is not a subject school; or

(3) The petition does not substantially meet the requirements specified in
section 4802. In such a case, the LEA shall immediately provide the contact
person written notice of its reasons for returning the petition and its supporting
findings.

(h) If the LEA finds that sufficient signatures cannot be verified by the LEA
they shall immediately notify the lead petitioner contacts and provide the lead
petitioner the names of those parents and legal guardians they cannot verify. The
lead petitioner contacts shall be provided 60 calendar days to assist the LEA to
verify the signatures. A number of methods may be used including but not limited
to an official notarization process or having the parent or guardian appear at the
school or district office.

(i) If the LEA finds a discrepancy or problem with a submitted petition they
shall notify the lead petition contacts in writing and request assistance and
clarification prior to the final disposition of the petition. The LEA shall identify
which signatures need verification, any errors found in the petition or need for further clarification regarding the petition.

(j)(h)(g) If the petition is returned pursuant to section 4802.1(g)(1), the same petition may be resubmitted to the LEA with additional verified signatures as long as no substantive changes are made to the petition. The petitioners shall be provided one resubmission opportunity which must be completed within a window of 60 calendar days after the return of the petition pursuant to 4802.1. This is the same window for verification of signatures and any corrections or additional signatures submitted. The LEA shall have 25 calendar days to verify the resubmitted signatures, additional signatures or corrections to the petition. The resubmitted petition may not contain substantive changes or amendments. If substantive changes are made to the petition, it must be recirculated for signatures before it may be resubmitted submitted to the LEA and it shall be deemed a new petition.

(k)(i)(g) If the LEA does not return the petition pursuant to subdivision (g)(f), the LEA shall have 45 business calendar days from the date the petition is received to reach a final disposition. The date may be extended by an additional 250 calendar business days if the LEA and the person listed in section 4802(c) agree to the extension in writing.

(l)(j)(h) The LEA shall notify the SSPI and the SBE in writing within ten business fifteen calendar days of its receipt of a petition and within two business five calendar days of the final disposition of the petition. The notice of final disposition shall state that the LEA will implement the recommended option or include the written finding stating the reason it cannot implement the specific recommended option, including the compelling interest that supports such a finding, designating which of the other options it will implement and stating that the alternative option selected has substantial promise of enabling the school to make adequate yearly progress.

(m)(k)(i) If the number of schools identified in a petition and subject to an intervention by a final disposition will exceed the maximum of 75 schools pursuant to Education Code section 53302, and the SSPI and the SBE receive
two or more notifications of final dispositions that agree to implement an
intervention on the same day, the petition will be chosen by random selection.

NOTE: Authority cited: Section 33031, Education Code. Reference:
Sections 53202, 53300, 53301 and 53302, Education Code.

§ 4802.2. Charter Requirements for Parent Empowerment Petitions.

(a) A petition that requests that the LEA adopt the restart model as an
intervention at a subject school, and more specifically requests that the
subject school be reopened as a charter school under a specific charter
school operator, charter management organization or education
management organization, shall attach to the petition the be circulated for
signature with a proposed charter for the school that meets all of the
requirements of Education Code section 47605(b) that contains
comprehensive descriptions pursuant to Education Code section
47605(b)(5)(A) through (P). Parents or legal guardians of pupils will only
need to sign the parent empowerment petition to indicate their support for
and willingness to enroll their children in the requested charter school. A
separate petition for the establishment of a charter school will not need to
be signed.

(b) The signatures to establish a charter school pursuant to Education
Code sections 47605(a)(1) through (3) and 47605(b)(3) will not be required if
Upon the receipt by an LEA of a petition that requests a restart model as
the intervention, whether or not the petition that also requests that the
subject school be reopened as a charter school under a specific charter
school operator, charter management organization or education
management organization, otherwise meets all of the requirements of the
LEA must follow the provisions of section 4802.1 and first determine
whether it will implement the requested intervention option presented in
the petition or implement one of the other intervention options in Education
Code section 53300.
(c) The governing board of the school district shall hold the public hearing to approve or deny the charter pursuant to Education Code section 47605(b) concurrently with the public hearing required pursuant to Education Code section 53300. Upon the receipt of a petition that requests If an LEA adopts a restart model as an intervention, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention option presented in the petition or implement one of the other intervention options in Education Code section 53300. If a and the petition has requesteds that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the LEA must shall then conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and timelines set forth in Education Code section 47605, subdivisions (b) through (h), (j)(1) and (l) with the exception that the timelines set forth in Education Code section 47605(b) only began after an LEA formally adopts the restart model as an intervention option. The signatures required to establish a charter school pursuant to section 47605(a)(1) [OPTIONAL: 47605(a)(1) through (3) and 47605(b)(3)] shall not be required, do not begin until 25 business days after the petition was received. If a petition does not request that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to section 4802.1(g), then the LEA must immediately solicit charter proposals from charter school operators, charter management organizations and education management organizations and, prior to selecting a charter school operator, charter management organization or education management organization, must conduct the rigorous review process required by Education Code section 53300 and section 4804, which includes compliance with the requirements and
timelines set forth in Education Code section 47605, subdivisions (b) through (h), and (l) with the exception that the timelines set forth in Education Code section 47605(b) do not begin until a charter proposal is received. If, after the rigorous review specified in this subdivision, the LEA finds that the charter included with the parent empowerment petition substantially fails to meet the requirements of Education Code section 47605 and the petitioners cannot cure this failure through a revision of the charter, or the petition does not request a specific charter school operator, charter management organization or education management organization and the LEA is unable to identify a charter school operator, charter management organization or education management organization which meets the requirements of Education Code section 47605, the LEA shall find that it is unable to implement the option requested by parents and shall implement one of the other options specified in Education Code section 53300 in the subsequent school year.

(d) The LEA shall only act to approve or deny a specific charter proposal if and only if the LEA has adopted the restart model as its final disposition.

(d) If the LEA has adopted the restart model as its final disposition, and a petition does not request that the subject school be operated under a specific charter school operator, charter management organization or education management organization, then the LEA shall, within 15 business days of the adoption of the restart model as an intervention option, solicit charter proposals from charter school operators, charter management organizations and education management organizations.

[OPTIONAL SUBSECTION(d) (in place of (d) above): If the LEA has adopted the restart model as its final disposition, and a petition does not request that the subject school be operated under a specific charter school operator, charter management organization or education management organization, then the LEA shall promptly notify the petitioners that it has adopted the restart model and give the petitioners the option to solicit]
charter proposals from charter school operators, charter
management organizations and education management organizations and
select a specific charter school operator. If the petitioners opt to solicit
charter proposals and select a specific charter school operator, they must
submit the proposed charter school operator to the LEA. If the
petitioners inform the LEA that they have declined the option to solicit
charter proposals and select a charter school operator, the LEA shall,
within 15 business days, solicit charter proposals from charter school
operators, charter management organizations and education management
organizations.]

(e) Prior to selecting a particular charter school operator, charter
management organization or education management organization, the LEA
shall conduct the rigorous review process required by Education Code
section 53300 and section 4804, which includes compliance with the
requirements and timelines set forth in Education Code section 47605,
subdivisions (b) through (h), (j)(1) and (l), with the exception that the
timelines set forth in section 47605(b) only begin once the LEA has
received a charter proposal.

[OPTIONAL SUBSECTION(e) (in place of (e) above): Where the
petitioners opt to submit a charter proposal for a specific operator to the
LEA pursuant to section 4802.2, optional subsection (d), upon submission
of the charter proposal, the LEA shall then conduct the rigorous
review process regarding the specific charter required by Education code
section 53300 and section 4808, which includes compliance with the
requirements and timelines set forth in Education Code section 47605,
subdivisions (b) through (h), (j)(1) and (l), with the exception that the
timelines set forth in section 47605(b) only begin once the LEA has
received a charter proposal. Where the LEA has solicited charter
proposals because the petitioners have declined to do so, prior to selecting
a particular charter school operator, charter management organization or
education management organization, the LEA shall conduct the rigorous
review process regarding the specific charter required by Education code section 53300 and section 4808, which includes compliance with the requirements and timelines set forth in Education Code section 47605 subdivisions (b) through (h), (j)(1) and (l), with the exception that the timelines set forth in section 47605(b) only begin once the LEA has received a charter proposal.

(f)(d) A charter school established by a parent empowerment petition, once approved, shall be subject to all of the provisions of law that apply to other conversion charter schools comply with the admission requirements for an existing public school converting partially or entirely to a charter school specified in Education Code section 47605(d)(1) and shall admit all pupils who reside within the former attendance area of the subject public school.

[OPTIONAL NEW SUBSECTION(g) The charter school established by a parent empowerment petition, must inform parents of the LEA choosing the charter school model, that parent advisory committees or alternative programs if provided for in the LEA, will not be available in the restart model-charter school nor is the charter school required to comply with the parent waiver requirements of Education Code section 310 and 311.]

[OPTIONAL SECTION §4802.2 (in place of 4802.2 above):
§ 4802.2. Restart Requirements for Parent Empowerment Petitions.
(a) Except where specifically designated in this section, a charter school proposal submitted through a parent empowerment petition, shall be subject to all the provisions of law that apply to other charter schools.
(b) Parents or legal guardians of pupils will only need to sign the parent empowerment petition to indicate their support for and willingness to enroll their children in the requested charter school. A separate petition for the establishment of a charter school will not need to be signed. The signatures to establish a charter school pursuant to Education Code sections 47605(a)(1) through (3) and 47605(b)(3) will not be required if the petition that requests that the subject
school be reopened under a specific charter operator, charter management organization or education management organization otherwise meets all the requirements of Education Code section 53300.

(c) A petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization may be circulated for signature with the proposed charter for the school. Upon receipt of the petition that requests a restart model as intervention and that includes a charter petition, the LEA must follow the provisions of section 4802.1 and determine whether it will implement the requested intervention options in Education Code section 53300. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g) then the rigorous review process required by Education Code section 53300 and section 4804 shall be the review process and timelines set forth in Education Code section 47605(b), excepting 47605(b)(3).

(d) If a parent empowerment petition does not include the proposed charter but requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to section 4802.1(g), then the LEA must either:

(1) immediately solicit charter proposals from charter school operators, charter management organizations and education management organizations and, shall promptly notify the petitioners that it has adopted the restart model and give the petitioners the option to solicit charter proposals from charter school operators, charter management organizations and education management organizations and select a specific charter school operator or decline to do so.

(1) If the petitioners opt to solicit charter proposals and select a specific charter school operator, they must submit the proposed charter school operator to the LEA within 90 calendar days. Upon submittal of the charter
proposal, the LEA shall conduct the rigorous review process required by Education Code section 53300 and section 4804, which shall be the review process and timelines set forth in Education Code section 47605(b) excepting 47605(b)(3).

(2) If the petitioners inform the LEA that they have declined the option to solicit charter proposals and select a charter school operator, the LEA shall, within 20 calendar days, solicit charter proposals from charter school operators, charter management organizations and education management organizations. Thereafter, the LEA shall select a charter school operator, charter management organization or education management organization through the rigorous review process required by Education Code section 53300 and section 4804. The rigorous review process shall be the review process and timelines set forth in Education Code section 47605(b), excepting 47605(b)(3), and shall begin at the end of a solicitation period not to exceed 90 calendar days; or,

(2) Direct the parent petitioner(s) to submit a charter proposal that meets the requirements of EC section 47605(b), excepting 47605(b)(3), within 90 calendar days. Upon submittal of the charter proposal, the LEA shall conduct the rigorous review process required by Education Code section 53300 and section 4804, which shall be the review process and timelines set forth in Education Code section 47605(b) excepting 47605(b)(3).

(e) If the parents petition for a restart option to operate the school under an educational management organization that is not a charter school, the LEA shall work in good faith to implement a contract with a provider selected by the parents. In the absence of parent selection of a specific provider, the LEA shall immediately solicit proposals from educational management organizations, and shall select an education management organization, through the rigorous review process required by Education Code section 53300 and section 4804 unless the LEA is unable to implement the option requested by the parents and shall implement one of the other options specified in Education Code section 53300.

§ 4803. Description of Intervention – Turnaround Model.

(a) A turnaround model is one in which an local educational agency (LEA) must:

(1) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(2) Using locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students;

(A) Screen all existing staff and rehire no more than 50 percent; and

(B) Select new staff;

(3) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;

(4) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(5) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new “turnaround office” in the LEA, hire a “turnaround leader” who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or State Educational Agency (SEA) to obtain added flexibility in exchange for greater accountability;

(6) Use data to identify and implement an instructional program that is research-based and “vertically aligned” from one grade to the next as well as aligned with State academic standards;
(7) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;

(8) Establish schedules and implement strategies that provide increased learning time (as defined in the United States Department of Education notice published in the Federal Register at 74 Federal Register 59805 (Nov. 18, 2009); and

(9) Provide appropriate social-emotional and community-oriented services and supports for students.

(b) A turnaround model may also implement other strategies such as:

(1) Any of the required and permissible activities under the transformation model; or

(2) A new school model (e.g., themed, dual language academy).


§ 4804. Description of Intervention – Restart Model.

A restart model is one in which an local educational agency (LEA) converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.


§ 4805. Description of Intervention – School Closure.

School closure occurs when an local educational agency (LEA) closes a
school and enrolls the students who attended that school in other schools in the
LEA that are higher achieving. These other schools should be within reasonable
proximity to the closed school and may include, but are not limited to, charter
schools or new schools for which achievement data is not yet available.
NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
53202 and 53300, Education Code; and 20 U.S.C. Section 6301.

§ 4806. Description of Intervention – Transformation Model.
A transformation model is one in which an local educational agency (LEA)
implements each of the following strategies:
(a) Developing and increasing teacher and school leader effectiveness.
   (1) Required activities. The LEA must:
      (A) Replace the principal who led the school prior to commencement of the
transformation model;
      (B) Use rigorous, transparent, and equitable evaluation systems for teachers
and principals that:
         1. Take into account data on student growth (as defined in the United States
Department of Education notice published in the Federal Register at 74 Federal
Register 59806 (Nov. 18, 2009)) as a significant factor as well as other factors
such as multiple observation-based assessments of performance and ongoing
collections of professional practice reflective of student achievement and
increased high-school graduations rates; and
         2. Are designed and developed with teacher and principal involvement.
      (C) Identify and reward school leaders, teachers, and other staff who, in
implementing this model, have increased student achievement and high school
graduation rates and identify and remove those who, after ample opportunities
have been provided for them to improve their professional practice, have not
done so;
      (D) Provide staff with ongoing, high-quality, job-embedded professional
development (e.g., regarding subject-specific pedagogy, instruction that reflects a
deeper understanding of the community served by the school, or differentiated
instruction) that is aligned with the school's comprehensive instructional program
and designed with school staff to ensure they are equipped to facilitate effective
teaching and learning and have the capacity to successfully implement school
reform strategies; and

(E) Implement such strategies as financial incentives, increased opportunities
for promotion and career growth, and more flexible work conditions that are
designed to recruit, place, and retain staff with the skills necessary to meet the
needs of the students in a transformation school.

(2) Permissible activities. An LEA may also implement other strategies to
develop teachers' and school leaders' effectiveness, such as:

(A) Providing additional compensation to attract and retain staff with the skills
necessary to meet the needs of the students in a transformation school;

(B) Instituting a system for measuring changes in instructional practices
resulting from professional development; or

(C) Ensuring that the school is not required to accept a teacher without the
mutual consent of the teacher and principal, regardless of the teacher's seniority.

(b) Comprehensive instructional reform strategies.

(1) Required activities. The LEA must:

(A) Use data to identify and implement an instructional program that is
research-based and “vertically aligned” from one grade to the next as well as
aligned with State academic standards; and

(B) Promote the continuous use of student data (such as from formative,
interim, and summative assessments) to inform and differentiate instruction in
order to meet the academic needs of individual students.

(2) Permissible activities. An LEA may also implement comprehensive
instructional reform strategies, such as:

(A) Conducting periodic reviews to ensure that the curriculum is being
implemented with fidelity, is having the intended impact on student achievement,
and is modified if ineffective;

(B) Implementing a school wide “response-to-intervention” model;

(C) Providing additional supports and professional development to teachers
and principals in order to implement effective strategies to support students with
disabilities in the least restrictive environment and to ensure that limited-English-
proficient students acquire language skills to master academic content;

(D) Using and integrating technology-based supports and interventions as
part of the instructional program; and

(E) In secondary schools:

1. Increasing rigor by offering opportunities for students to enroll in advanced
coursework (such as Advanced Placement or International Baccalaureate; or
science, technology, engineering, and mathematics courses, especially those
that incorporate rigorous and relevant project-, inquiry-, or design-based
contextual learning opportunities), early-college high schools, dual enrollment
programs, or thematic learning academies that prepare students for college and
careers, including by providing appropriate supports designed to ensure that low-
achieving students can take advantage of these programs and coursework;

2. Improving student transition from middle to high school through summer
transition programs or freshman academies;

3. Increasing graduation rates through, for example, credit-recovery
programs, re-engagement strategies, smaller learning communities, competency-
based instruction and performance-based assessments, and acceleration of
basic reading and mathematics skills; or

4. Establishing early-warning systems to identify students who may be at risk
of failing to achieve to high standards or graduate.

(c) Increasing learning time and creating community-oriented schools.

(1) Required activities. The LEA must:

(A) Establish schedules and implement strategies that provide increased
learning time (as defined in 74 Federal Register 59805 (Nov. 18, 2009)); and

(B) Provide ongoing mechanisms for family and community engagement.

(2) Permissible activities. An LEA may also implement other strategies that
extend learning time and create community-oriented schools, such as:

(A) Partnering with parents and parent organizations, faith- and community-
based organizations, health clinics, other State or local agencies, and others to
create safe school environments that meet students' social, emotional, and
health needs;

(B) Extending or restructuring the school day so as to add time for such
strategies as advisory periods that build relationships between students, faculty,
and other school staff;

(C) Implementing approaches to improve school climate and discipline, such
as implementing a system of positive behavioral supports or taking steps to
eliminate bullying and student harassment; or

(D) Expanding the school program to offer full-day kindergarten or pre-
kindergarten.

(d) Providing operational flexibility and sustained support.

(1) Required activities. The LEA must:

(A) Give the school sufficient operational flexibility (such as staffing,
calendars/time, and budgeting) to implement fully a comprehensive approach to
substantially improve student achievement outcomes and increase high school
graduation rates; and

(B) Ensure that the school receives ongoing, intensive technical assistance
and related support from the LEA, the State Educational Agency (SEA), or a
designated external lead partner organization (such as a school turnaround
organization or an EMO).

(2) Permissible activities. The LEA may also implement other strategies for
providing operational flexibility and intensive support, such as:

(A) Allowing the school to be run under a new governance arrangement, such
as a turnaround division within the LEA or SEA; or

(B) Implementing a per-pupil school-based budget formula that is weighted
based on student needs.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections
53202 and 53300, Education Code; and 20 U.S.C. Section 6301.

§ 4807. Description of Intervention – Alternative Governance Arrangement.

Alternative governance is one in which an LEA institutes any other major
restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress as defined in the State plan under Section 6311(b)(2) of the federal Elementary and Secondary Education Act. In the case of a rural LEA with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency's request, provide technical assistance to such agency for the purpose of implementing this clause.


§ 4808. Prospective Effect of Regulations.

The regulations in Article 1 are to apply prospectively. Any actions taken in reasonable reliance upon emergency regulations in effect at the time are to be deemed in compliance with these regulations [OPTION: to the extent permitted by law].


7-19-11 [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
   - 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.)

   (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:
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.) Cal/EPA 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:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Total Cost</th>
<th>Cost-effectiveness ratio:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Alternative 1</td>
<td>$</td>
<td>Cost-effectiveness ratio:</td>
</tr>
<tr>
<td>Alternative 2</td>
<td>$</td>
<td>Cost-effectiveness ratio:</td>
</tr>
</tbody>
</table>

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 ______________________ 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. Unknown

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 $ Unknown 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 unknown fiscal year.

☐ 2. Savings of approximately $ ______________ in the current State Fiscal Year.

☐ 3. No fiscal impact exists because this regulation does not affect any local entity 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.

FISCAL OFFICER SIGNATURE __________________________ DATE 8/17/11

AGENCY SECRETARY 1 APPROVAL/CONCURRENCE __________________________ DATE 8/17/11

DEPARTMENT OF FINANCE 2 APPROVAL/CONCURRENCE __________________________ DATE 8/19/11

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: Heather Carlson
Telephone Number: 916-323-2591

Descriptive Title From Notice Register Or From 400: Parental Empowerment (version 7/19/11)
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 Unknown.

Section B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 1: Additional expenditures of approximately $ Unknown in the current State Fiscal Year. It is anticipated that State agencies will:
  - Selected option is B: request an increase in the currently authorized budget level for the Unknown fiscal year.

Section C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal 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 Heather Carlson dated August 17, 2011

Agency Secretary Approval / Concurrence Signature by [unreadable] dated 8/17/2011

Department of Finance Approval / Concurrence Signature by the Program Budget Manager [unreadable] dated 8/19/2011.
ITEM 2
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

SUBJECT

RECOMMENDATION
The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate. This agenda item is the second in a series of updates; there is no specific action recommended at this time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

July 2011: The CDE presented to the SBE the first in a series of updates on the implementation of the Common Core State Standards (CCSS).

June 2011: Governor Jerry Brown, State Superintendent of Public Instruction (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 (CTC) (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 (ELA) and mathematics as proposed by the California Academic Content Standards Commission; the standards include the CCSS and specific additional standards that the Commission 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 (CCSSO) and the National Governors Association (NGA) Center for Best Practices initiative to develop the CCSS as part of California’s application to the federal Race to the Top grant.
SUMMARY OF KEY ISSUES

When the SBE adopted the CCSS with modifications and additions in August 2010, these standards became the current subject matter standards in ELA and mathematics. However, as with most of the other states adopting the CCSS, the full implementation of these standards will occur over several years as new curriculum frameworks, instructional materials, and assessments are implemented.

California Education Code Section 60605.8 (h) requires the SSPI and the SBE to present a schedule and an implementation plan to the Governor and the appropriate policy and fiscal committees of the Legislature for integrating the CCSS into the state educational system. Currently, the CDE is engaged in many activities designed to prepare the state’s educational stakeholders for full implementation of the CCSS and the development of the new assessment system. The July SBE item identified the many CDE activities related to the CCSS. A revised list of the conferences and workshops where CDE staff has presented on the CCSS are found in Attachment 1.

The following list highlights some of the many CDE activities:

- California is participating in the State Collaborative on Assessment and Student Standards—Implementing the Common Core System (SCASS-ICCS). The participants from California include CDE staff (Deputy Superintendent Deb Sigman, Directors Thomas Adams, Patrick Ainsworth, Fred Balcom, Phil Lafontaine, and Rachel Perry), SBE member and staff (Patricia Rucker, member, and Sue Burr, Executive Director), legislative staff (Marisol Avina, Consultant, Assembly Education Committee, and Leonor Ehling, Deputy Director, Senate Office of Research), and CTC staff (Teri Clarke, Administrator). This is the first time that California has created a standards-implementation team that includes representatives from the CDE, SBE, Legislature, and CTC. This collaboration will assist in having a cohesive system of implementation and ensure the sustainability. The California team attended the SCASS-ICCS meeting in Minneapolis, Minnesota, August 4–6, 2011.

- The CDE created an internal working group with participants from across CDE branches to plan for CCSS implementation and to develop new publications and presentations. The work of this group is informing the California team for SCASS-ICCS process.

- On August 23, 2011, a CCSS and Assessment Transition Planning Meeting will be held in Sacramento, California. The purpose of this meeting is to receive feedback and input from stakeholders from across the state on California’s implementation plan. The CCSS and Assessment Transition Planning Meeting will include an update on the CCSS and an overview of SBAC. In addition, the meeting will include opportunities for participants to engage in facilitated discussions on the design of transition plans for the CCSS and the new assessment system. The goal is to take the suggestions generated at this meeting and formulate a transition plan to present at the November 9–10, 2011 SBE meeting. The CDE will provide the SBE with a
SUMMARY OF KEY ISSUES (Cont.)

verbal update on the Assessment Transition Planning Meeting and the
development of a transition plan.

- The CDE is collaborating with the California Teachers Association (CTA) by
  providing three professional learning workshops on the CCSS and the transition to
  the new assessment system. The first workshop occurred in January 21, 2011, in
  San Jose and the second was held March 18, 2011, in Anaheim. A third workshop
  occurred August 2, 2011, in Los Angeles, at the CTA Summer Institute. The
  collaboration with the CTA is an effort to get information directly to the teachers and
  teacher-leaders who will implement the new standards in the classrooms.

- To prepare for the implementation of the CCSS and in anticipation of the passage
  of SB 140, the SSPI has invited publishers of state-adopted programs in
  mathematics and ELA to submit supplemental instructional materials that bridge the
  gap between their SBE-adopted programs and the CCSS including the California
  modifications and additions. The first phase of the process is for the publishers to
  submit standards maps that will be verified by CDE staff. The second phase of the
  process is the submission and review of supplemental materials. The SSPI and the
  SBE will recruit teachers and content experts who will review the supplemental
  materials for alignment to the CCSS. In spring 2012, the reviewers will be trained
  and receive the proposed bridge materials. At the end of June 2012, the reviewers
  will complete their work and the CDE will list the results on the CDE Web site. The
  SBE will receive a report of findings and, if SB 140 is passed into law, the CDE will
  submit the list of supplemental materials in September 2012 to the SBE for
  approval. These bridge materials will serve as resources that can help local
  educational agencies in their transition to the CCSS standards.

- Common Core Modifications and Additions: When the SBE adopted the CCSS, its
  action created two significant challenges for implementation. One was the adoption
  of a dual set of mathematics standards at grade eight and the other was the
  omission of the college and career readiness anchor standards.

  - Grade 8 Mathematics and Algebra 1 at Grade 8: The adoption of a dual set of
    mathematics standards at grade eight, CCSS math and “Algebra 1 at Grade 8”
    raises a number of concerns. The first is the number of standards. The
    “Algebra 1 at Grade 8” has 51 standards while the current Algebra 1 standards
    include 25 standards. Also, California up to this point has consistently defined
    the content of Algebra 1 regardless of what grade it is taught. Second is that
    the Elementary and Secondary Education Act requires that every state adopt a
    single set of content standards and performance standards that apply to all
    schools and children in the state. California meets this requirement for every
    subject at every grade except one, grade eight mathematics, as the state has
    adopted two sets of standards. In addition, the Algebra 1 at Grade 8 standards
    are specific to California, and therefore will not be part of the assessments
    being developed nationally by the two assessment consortia.
SUMMARY OF KEY ISSUES (Cont.)

- College and Career Readiness Anchor Standards for ELA: Although these anchor standards are the foundation of the CCSS, they were not part of the SBE action on August 2, 2010. The anchor standards provide the focus within the four strands of reading, writing, speaking and listening, language, and for grades six through twelve (6–12) literacy in history–social studies, science, and technical subjects. Noteworthy is the fact that the anchor standards in grades K-5 and 6-12 provide the focus and structure within the grade span and this design ensures that skills build up in a “staircase” fashion. The absence of the ELA anchor standards means the California version of the standards is incomplete and may create confusion in shared initiatives with other states.

- The SSPI and the SBE will need statutory authority to allow for changes to the CCSS as adopted on August 2, 2010.

- The California Learning Resources Network, a state-funded effort administered by the Stanislaus County Office of Education, has begun the process of reviewing electronic supplemental instructional materials according to the CCSS. The results can be found at http://www.clrn.org (Outside Source). Attachment 2 provides a detailed description of the work and processes of the California Learning Resources Network.

- During its consideration of Item 14 at its July 14, 2011, meeting (Update and Discussion on the Activities of the California Department of Education and State Board of Education Regarding Implementation of the Common Core State Standards), the SBE discussed the potential of calling on the California Education Round Table (Round Table) and the Intersegmental Coordinating Committee (ICC) to assist in coordinating the participation of California's postsecondary education community in the implementation of the Common Core State Standards and the design of the next-generation of standards-based assessments. At the conclusion of this discussion, the SBE requested that the California Department of Education provide the SBE with background information regarding the role and operation of the Round Table and the ICC. The requested information was provided to the SBE in an August 2011 information memorandum. As part of this agenda item, the SBE may wish to continue its earlier discussion about the postsecondary education community.

- The Carnegie Corporation has awarded Stanford University a $1 million grant for “Building on Common-Core Standards to Improve Learning for English-language Learners”. The project will show how English language proficiency development can be made explicit and supported in the context of content instruction based on the Common Core standards. Dr. Kenji Hakuta is the project director and the CDE has offered to support and collaborate with Dr. Hakuta in his new grant work.

- The Assessment and Accountability Division has staffed 10 Work Groups with leads and an internal team made up of representatives from several CDE branches. Under the SBAC policies, state educational agency staff may make up the 10 Work
Groups due to the confidentiality of work being done in each group. A number of Work Group leads will sit on national SBAC calls representing California. SBAC Work Group leads and team members have begun to meet regularly. The 10 Work Groups include the following:

1. Transition to CCSS
2. Technology Approach
3. Assessment Design: Item Development
4. Assessment Design: Performance Tasks
5. Assessment Design: Test Design
6. Assessment Design: Test Administration
7. Reporting
8. Formative Processes and Tools/Professional Development
9. Accessibility and Accommodations
10. Research and Evaluation

In addition, a new CDE SBAC Web Page is being created to begin to communicate with LEAs about California’s participation in the new assessment system.

- The SSPI is working with the Legislature by sponsoring bills and providing technical assistance to the Budget Act of 2011–12. The SSPI looks forward to collaborating further with the SBE in shaping the currently SSPI-sponsored legislation.
  - Assembly Bill 124 (2011, Fuentes) calls for the Superintendent to consult a group of ELD experts and to update, revise, and align the ELD standards to California’s newly-adopted CCSS ELA standards. This Superintendent would present the recommended new ELD standards on or before August 31, 2012, and the SBE would have until September 30, 2012, to adopt, reject, or revise the proposed ELD standards. This bill complements the English Language Acquisition Assessment System (ELAAS) application that was submitted into the U.S. Department of Education on June 3, 2011, with an expected award date of late summer 2011. The ELAAS consortium is comprised of California, as the lead state, in partnership with the Council of Chief State School Officers (CCSSO), 18 member states, and nationally-recognized experts and organizations from across the nation. The ELAAS consortium states will serve 2.4 million (52.4 percent) of our nation’s approximately 4.5 million LEP students. The ELAAS will be designed to enhance English language proficiency (ELP) assessment practices and use of assessment results to improve teaching and performance of limited English proficient (LEP) students in learning English and, ultimately, in core content areas. The ELAAS will assess kindergarten through grade twelve EL students and will include two major assessments, a Screener/Diagnostic, and a Summative both of which will be aligned with common ELP standards and compatible with the CCSS.
  - The SSPI is also sponsoring AB 250 (2011, Brownley) as a legislative vehicle for implementing the CCSS. AB X4 2, (Statutes of 2009–10) suspended the
SUMMARY OF KEY ISSUES (Cont.)

process and procedures for developing curriculum frameworks and adopting instructional materials until 2013–14. SB 70 (Statutes of 2010–11) extended that suspension until the 2015–16 school year. The SSPI will seek to ensure that the bill contains the shared aims and goals of the SSPI and SBE in implementing the CCSS. The major areas that are addressed in AB 250 include curriculum framework development and professional development. Future legislation will need to address instructional materials, assessment, and accountability.

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 to CCSS activities. Currently, the CDE is providing professional development via webinars and presentations and has already provided guidance for transitioning to the CCSS. Assessment costs will be shifted from the STAR Program to one of the new assessment consortia. In addition, current efforts will be redirected to support the implementation of the CCSS, especially in the area of professional development. 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. In addition, currently-adopted instructional materials will be studied for alignment to the CCSS including the California modifications and additions. Nonetheless, the implementation of new standards assessments, the development and implementation of new accountability measures, local and statewide professional development, 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 resources.

ATTACHMENTS

Attachment 1: Common Core State Standards Presentations at Conferences and Workshops by California Department of Education Staff, May 2010 through August 2011 (5 Pages)

Attachment 2: California Learning Resources Network description of work and processes (3 Pages)

Attachment 3: The Common Core State Standards PowerPoint Presentation (16 pages)

Attachment 4: SMARTER Balanced Assessment Consortium PowerPoint Presentation (13 pages)
## Common Core State Standards Presentations at Conferences and Workshops by CDE Staff

May 2010 through August 2011

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<td>California Association of Administrators of State and Federal Education Programs (CAASFEP) (Common Core Standards: Next Steps, given twice)</td>
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California Learning Resource Network

In December of 1999, the California Department of Education awarded a Statewide Education Technology Services (SETS) Learning Resource contract to Stanislaus County Office of Education, with partner county offices of education in Humboldt, Kings, Orange, Sacramento, San Joaquin, Stanislaus, and San Diego. The purpose of the SETS, pursuant to California Education Code Section 51872 (b), are to provide services which “address locally defined needs but that are more efficiently and effectively provided on a statewide basis.” The California Learning Resource Network (CLRN) is one of four SETS approved by the State Board of Education (SBE) in July 1999.

Summary of outcomes and deliverables for the CLRN service:

1. **Establish and maintain an electronic learning resource evaluation** system that rates software, video, CD’s, online resources, and other similar media using criteria approved by the SBE that address both alignment with the SBE content standards and technical quality (i.e., ease of access and use). The results of the evaluation are maintained in a web-accessible database.

2. **Establish and maintain links to online standards-based learning units or lessons** that use the resources identified in number one above as being in alignment with the evaluation criteria.

3. **Establish and maintain a model Web site and Web server(s)** that not only make evaluations and links accessible to a large volume of users in a cost-effective manner, but also serve as a major promotional center for other SETS.

The CLRN provides educators with a "one-stop" resource for critical information needed for the selection of supplemental electronic learning resources aligned to the SBE academic content standards. Supplemental electronic learning resources include software, videos, and Internet resources that can be used to explain further, practice, or assess some standards for the subject at grade-level; they are not complete and comprehensive programs, nor are they intended to be a full course of study.

The CLRN currently reviews electronic learning resources in five content areas: English-language arts, mathematics, history–social science, science, and visual and performing arts. For English language arts and mathematics, the CLRN is now reviewing materials against the Common Core State Standards.

Through an application process, the CLRN selects California educators with specific content experience to act as reviewers once they have completed a rigorous training program. CLRN reviewers are credentialed teachers with content specific teaching training and experience.
The CLRN review of supplemental electronic learning resources includes the following three major components: Social Content review, California Content Standards Match verification, and the CLRN minimum requirements review. Only resources that meet all of the CLRN review criteria are included in the CLRN database and Web page at http://clrn.org (Outside Source). This Web site contains extensive information on the organization, the review process, and review results. Resources are approved for Social Content only; resources are not state-adopted. A complete explanation of the process can be found in the document titled “CLRN Supplemental Electronic Learning Resources Review Criteria and Process” available at http://clrn.org/info/criteria/Criteria_v12.5.pdf (Outside Source). This document was approved by the SBE on October 11, 2000.

The minimum requirements required for resources to pass review include the following:

1. The resource addresses standards as evidenced in the standards match and provides for a systematic approach to the teaching of the standard(s), and contains no material contrary to any of the other California student content standards.

2. Instructional activities (sequences) are linked to the stated objectives for this electronic learning resource.

3. Reading and/or vocabulary levels are commensurate with the skill levels of intended learners. (Note: Reading level has been added to profile to be determined by publishers and verified by CLRN staff.)

4. The electronic learning resource exhibits correct spelling, punctuation, and grammar, unless a primary source document.

5. The content is current, accurate and scholarly, including that taken from other subject areas.

6. The presentation of instructional content must be enhanced and clarified by the use of technology through approaches which may include: access to real-world situations (graphics, video, audio); multi-sensory representations (auditory, graphic, text); independent opportunities for skill mastery; collaborative activities and communication; access to concepts through hypertext, interactivity, or customization features; use of the tools of scholarship (research, experimentation, problem solving); simulated laboratory situations.

7. The resource is user friendly as evidenced by the use of features such as: effective help functions; clear instructions; consistent interface; intuitive navigational links.
8. Documentation and instruction on how to install and operate the electronic learning resource are provided and are clear and easy to use.

9. The model lesson/unit plan demonstrates effective use of the electronic learning resource in an instructional setting.

In addition, electronic learning resources must meet additional minimum requirements:

1. The search function is thorough and accurate.

2. The index provides easy access to the entire resource including text, illustrations, sounds, etc.

3. The content sources are accurately cited.

The CLRN review process has three integral elements: The review criteria, content expertise of reviewers, and ongoing training of reviewers. Together these elements help ensure for quality review results.

The overall objectives of the CLRN are as follows:

- Identify and review supplemental electronic learning resources such as software, video, and Internet resources

- Identify learning units aligned to resources and the state academic content standards

- Maintain an interactive Web site to provide information about electronic learning resources through an online searchable database and links to state education technology projects and resources
Common Core State Standards

Tom Adams, Director
Standards, Curriculum Frameworks & Instructional Resources Division
September 2011

Agenda

• Overview
• Frameworks & Adoptions Timelines
• Legislation
• Superintendent’s Review
• Common Core State Standards
• Questions
California and the Common Core State Standards

Senate Bill 1 from the Fifth Extraordinary Session (SB X5 1):

- established an Academic Content Standards Commission (ACSC) to develop standards in mathematics and English–language arts
- stated that 85 percent of the standards were to consist of the CCSS with up to 15 percent additional material
- directed the State Board of Education (SBE) to adopt or reject recommendations of the ACSC

Materials Implementation Timeline 1

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Math</th>
<th>ELA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curriculum Commission approves plan, timeline and criteria committee application</td>
<td>Completed</td>
<td>1/2012</td>
</tr>
<tr>
<td>Field review of framework</td>
<td>9/2012</td>
<td>9/2013</td>
</tr>
<tr>
<td>SBE action on framework</td>
<td>5/2013</td>
<td>5/2014</td>
</tr>
<tr>
<td>Common core assessments</td>
<td>2014–15</td>
<td>2014–15</td>
</tr>
<tr>
<td>Materials submission</td>
<td>3/2016</td>
<td>3/2018</td>
</tr>
<tr>
<td>SBE approves materials</td>
<td>11/2016</td>
<td>11/2018</td>
</tr>
</tbody>
</table>

Assumes the passage of Assembly Bill 250 (Brownley), which partially lifts the suspension under EC Section 60200.7, and Curriculum Commission funding for 2011 and subsequent years.
Materials Implementation Timeline 2

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Math</th>
<th>ELA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curriculum Commission approves plan, timeline and criteria committee application</td>
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<td>5/2018</td>
</tr>
<tr>
<td>Materials submission</td>
<td>3/2018</td>
<td>3/2020</td>
</tr>
<tr>
<td>SBE approves materials</td>
<td>11/2018</td>
<td>11/2020</td>
</tr>
</tbody>
</table>

Reflects Senate Bill 70, which extended the legislative suspension under EC Section 60200.7 through July 1, 2015.

Proposed Legislation 2011

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 250 (Brownley)</td>
<td>Frameworks &amp; Adoptions</td>
</tr>
<tr>
<td>SB 140 (Lowenthal)</td>
<td>Superintendent's Review</td>
</tr>
</tbody>
</table>

For the latest information on pending bills: http://www.leginfo.ca.gov/bilinfo.html
Common Core State Standards Implementation

- The SBE adopted the CCSS in 2010
- New assessments scheduled for 2014
- Last SBE mathematics adoption in 2007
- Last SBE English language arts adoption in 2008
- Next likely SBE adoption of materials in 2018
- Question—What materials will teachers have available to help them cover the CCSS?

Superintendent’s Review of Supplemental Materials

- The Superintendent of Public Instruction, Tom Torlakson, is inviting publishers of currently adopted instructional materials in mathematics and English Language Arts to submit supplemental materials for review.
- Materials designed to bridge the gap between the content in the adopted materials and the CCSS
Purpose of the Review

- Whether or not the supplemental materials—in conjunction with the adopted materials—provide full coverage of the CCSS with California additions for the given subject and grade level(s).

**Intent:**
- Supplemental materials include the minimum amount of content needed to fully address the CCSS; and
- Costs for districts to purchase and implement the supplements be kept as low as possible

Project Overview

| Phase I (Fall 2011) | • Review of standards maps for existing adopted programs  
|                     | • by CDE staff  
|                     | • Results sent to publishers |
| Phase II (Spring/Summer 2012) | • Review of supplemental materials  
|                               | • by select reviewers and experts  
|                               | • List of recommended supplemental materials posted on CDE Web site |
This process is…

- Conducted by the CDE
- Voluntary
- Only for publishers of current SBE-adopted basic materials
- A review of supplemental materials not full programs
- Only an advisory for school districts
- Not a state adoption

Programs Eligible for Review

  - Kindergarten through grade seven basic grade level programs
  - No grade eight programs
  - No intervention/algebra readiness programs

- English language arts – SBE-adopted in 2008
  - Kindergarten through grade eight, program types 1-3
  - No intervention programs
Evaluation Criteria

1. Aligned to the CCSS
2. Conform to Standards for Evaluating Instructional Materials for Social Content
3. Must be accurate, use proper grammar and spelling, and be free from all errors
4. Meaningful assessments
5. Comprehensive teacher guidance in efficient instruction for all students
6. Clear instructions for supplemental materials integration

Final Actions

September/October 2012

- Item submitted by the CDE as an advisory to the State Board
- Letter from the Superintendent to Publishers
- Letter/News Release from the Superintendent to Local Educational Agencies
- Posting of Superintendent’s Report/Recommendations on the CDE Web site
Common Core Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects

- The Common Core Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects are organized around the College and Career Readiness (CCR) Standards for Reading, Writing, Speaking and Listening, and Language.

- Each strand is headed by a set of CCR anchor standards that is identical across all grades and content areas.

- The Common Core Standards for English-language arts also set requirements for reading and writing in the social and natural sciences.

Common Core Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects

The Standards comprise three main sections:

- a comprehensive K–5 section
  - includes standards for foundational skills
- two content area-specific sections for grades 6–12
  - one for English-language arts
  - one for literacy in history/social studies, science and technical subjects.
Balanced Representation of Literary and Informational Text

- Kindergarten through grade 5
  - 10 Reading standards for literature
  - 10 Reading standards for informational text
  - Writing standards that explicitly call for opinion pieces, narratives, and informative/explanatory texts

- Grades 6-12
  - 10 Reading standards for literature
  - 10 Reading standards for informational text
  - Writing standards that explicitly call for arguments, narratives, and informative/explanatory texts
  - An additional set of standards for reading and writing in history/social studies, science and technical subjects

Focus on Text Complexity

⭐ By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 4–5 text complexity band independently and proficiently. (5.RL.10)

⭐ Initiate and participate effectively in a range of collaborative discussions (one-on one, in groups, and teacher-led) with diverse partners on grades 11–12 topics, texts, and issues, building on others’ ideas and expressing their own clearly and persuasively. (11-12.SL.1)
Vocabulary Acquisition

★ Participate in collaborative conversations with diverse partners about grade 2 topics and texts with peers and adults in small and larger groups. (2.SL.1)

★ Use precise language and domain-specific vocabulary to inform about or explain the topic. (7.W.2.d)

★ Determine the meaning of word and phrase as they are used in the text, including figurative and connotative meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language evokes a sense of time and place; how it sets a formal or informal tone). (9-10.RL.4)

Critical Analysis and Use of Evidence

★ Distinguish their own point of view from that of the narrator or those of the characters. (3.RL.6)

★ Summarize the points a speaker or a media source makes and explain how each claim is supported by reason and evidence, and identify and analyze any logical fallacies. (5.SL.3)

★ Develop claim(s) and counterclaim(s) fairly and thoroughly, supplying the most relevant evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience’s knowledge level, concerns, values, and possible biases. (11-12.W.1.b)
Mathematical Proficiency
as defined by the California Framework (2006)

Conceptual Understanding

DOING MATH

Problem Solving

Procedural Skills

Common Core Standards for Mathematics

The standards for mathematics:
• aim for clarity and specificity
• stress conceptual understanding of key ideas
• balance mathematical understanding and procedural skill
• are internationally benchmarked
Common Core Standards for Mathematics

Two Types of Standards

• Mathematical Practice (recurring throughout the grades)
• Mathematical Content (different at each grade level)

Standards for Mathematical Practice

1. Make sense of problems and persevere in solving them.
2. Reason abstractly and quantitatively.
3. Construct viable arguments and critique the reasoning of others.
4. Model with mathematics.
5. Use appropriate tools strategically.
6. Attend to precision.
7. Look for and make use of structure.
8. Look for and express regularity in repeated reasoning
Grade Shifts: Examples

<table>
<thead>
<tr>
<th>Concept</th>
<th>1997 Standards</th>
<th>CCSS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compose simple shapes to form larger shapes (e.g., 2 triangles to form a rectangle)</td>
<td>Grade 2</td>
<td>K</td>
</tr>
<tr>
<td>Introduction to Probability</td>
<td>Grade 3</td>
<td>Grade 7</td>
</tr>
<tr>
<td>Introduction of fractions as numbers</td>
<td>Grade 2</td>
<td>Grade 3</td>
</tr>
<tr>
<td>Add and subtract simple fractions</td>
<td>Grade 3</td>
<td>Grade 4</td>
</tr>
</tbody>
</table>

Grade 8 Mathematics

- The CCSS prepare students for Algebra 1 in grade 8.

- The CCSS also include a set of challenging grade 8 standards to prepare students for success in higher math, including Algebra 1.
High School Mathematics

Courses in higher level mathematics: Precalculus, Calculus*, Advanced Statistics, Discrete Mathematics, Advanced Quantitative Reasoning, or courses designed for career technical programs of study.

Algebra II
Geometry
High School Algebra I

Mathematics III
Mathematics II
Mathematics I

Traditional Pathway
Typical in U.S.

Integrated Pathway
Typical outside of U.S.

Source: Appendix A of the CCSS for Mathematics at http://www.corestandards.org
CDE on iTunes U

Source: http://www.cde.ca.gov/re/mm/it/

Resources

For more information, visit the California Department of Education’s Common Core State Standards Web page at:

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

- The standards
- Frequently asked questions
- Informational flyers
- Additional resources

For additional information, contact:
Standards, Curriculum Frameworks and Instructional Resources Division
Curriculum, Learning and Accountability Branch
California Department of Education
1430 N Street, Sacramento, CA 95814
916-319-0881
Contact Us

Tom Adams, Director
Standards, Curriculum Frameworks & Instructional Resources Division
tadams@cde.ca.gov
916-319-0663
California Joins SMARTER Balanced Assessment Consortium

- On June 9, 2011 California joined the SMARTER Balanced Assessment Consortium (SBAC) as a governing state
  - Memorandum of Understanding signed by Superintendent Torlakson, Governor Brown, and State Board of Education President Michael Kirst
  - Governing state role
    - Decision-making capacity
SMARTER Balanced Assessment Consortium

- Consortium of 29 states
  - 19 Governing
  - 10 Participating
- Washington is fiscal agent
- WestEd is Project Manager
- http://www.smarterbalanced.org

SBAC Consortium

[Map showing the states in the SBAC Consortium]
Assessment Consortium: Background

• Common Core State Standards were adopted by the State Board of Education in August 2010

• In September 2010, the U.S. Department of Education awarded funds to two assessment consortium
  – SBAC
  – Partnership for Assessment of Readiness in College and Career (PARCC)

Assessment Consortium: Focus

• Assessments are aligned to college and career readiness standards

• Must assess students annually in grades three through eight in English-language arts and mathematics and once in grades ten through twelve
  – Current federal requirements

• Required technology component
SMARTER Balanced Basics

- Single end-of-year summative assessment; includes performance tasks
  - Computer-adaptive
- Optional interim assessment tools to be used for diagnostic purposes throughout the school year
- Optional formative resources (best practices, instructional resources)

Federal Requirements

- Assess acquisition of and progress toward “college and career readiness”
- Have common, comparable scores across member states
- Provide achievement and growth information for teacher and principal evaluation and professional development
- Assess all students, except those with “significant cognitive disabilities”
- Administer online, with timely results
- Use multiple measures

Source: Federal Register / Vol. 75, No. 68 / Friday, April 9, 2010 pp. 18171-85
Summative Assessments

- Mandatory comprehensive assessment in grades 3–8 and 11 (testing window within the last 12 weeks of the instructional year) that supports accountability and measures growth
- Computer adaptive testing offers efficient and precise measurement and quick results
- Assesses the full range of CCSS in English language arts and mathematics
- Selected response, short constructed response, extended constructed response, technology enhanced, and performance tasks

Summative Assessments (cont.)

- Describes current achievement and growth across time, showing progress toward college and career readiness
- Provides state-to-state comparability, with standards set against research-based benchmarks
- Summative tests can be given twice a year
Interim Assessments

• Optional comprehensive and content-cluster measures that include computer adaptive assessment and performance tasks
• Provides clear examples of expected performance on common standards
• Helps identify specific needs of each student

Interim Assessments (cont.)

• Grounded in cognitive development theory about how learning progresses
• Aligned to and reported on the same scale as the summative assessments
• Selected response, short constructed response, extended constructed response, technology enhanced, and performance tasks
• Involves significant teacher participation in design and scoring
• Fully accessible for instruction and professional development
Formative Processes and Tools

- Instructionally sensitive, on-demand tools and strategies aimed at improving teaching, increasing student learning, and enabling differentiation of instruction
- Processes and tools are research based
- Clearinghouse of professional development materials available to educators includes model units of instruction, publicly released assessment items, formative strategies, and materials for professional development

Formative Processes and Tools (cont.)

- System Portal contains information about Common Core State Standards, Consortium activities, web-based learning communities, and assessment results
- Dashboard gives parents, students, practitioners, and policymakers access to assessment information
- Reporting capabilities include static and dynamic reports, secure and public views
- Item development and scoring application support educator participation in assessment
- Feedback and evaluation mechanism provides surveys, open feedback, and vetting of materials
Key Features: Computer Adaptive Testing

- Comprehensively assesses the breadth of the Common Core State Standards while minimizing test length
- Allows increased measurement precision relative to fixed form assessments; important for providing accurate growth estimates
- Testing experience is tailored to student ability as measured during the test

Key Feature: Tailored Online Reports

- Supports access to information about student progress toward college and career readiness
- Allows for exchange of student performance history across districts and states
- Uses a Consortium-supported backbone, while individual states retain jurisdiction over access and appearance of online reports
- Tied to digital clearinghouse of formative materials
- Graphical display of learning progression status (interim assessment)
English Language Arts and Mathematics, Grades 3–8 and High School

Scope, sequence, number, and timing of interim assessments locally determined

* Time windows may be adjusted based on results from the research agenda and final implementation decisions.

Source: http://www.ets.org

Technical Advisory Committee

Jamal Abedi
Randy Bennett
Derek Briggs
Greg Cizek
David Conley
Linda Darling-Hammond
Brian Gong
Ed Haertel
Joan Herman
Jim Pellegrino
W. James Popham
Joseph M. Ryan
Martha Thurlow
UC, Davis, CRESST
Educational Testing Service
University of Colorado at Boulder
University of North Carolina
University of Oregon
Stanford University
The Center for Assessment
Stanford University
UC, Los Angeles and CRESST
University of Illinois at Chicago
UC, Los Angeles, Emeritus
Arizona State University
University of Minnesota and NCEO
SBAC Work Groups

State educational agency staff 10 Work Groups:

1. Transition to CCSS
2. Technology Approach
3. Assessment Design: Item Development
4. Assessment Design: Performance Tasks
5. Assessment Design: Test Design
6. Assessment Design: Test Administration
7. Reporting
8. Formative Processes and Tools/Professional Development
9. Accessibility and Accommodations
10. Research and Evaluation

Opportunities for Teacher Involvement

- Writing and reviewing of test items and tasks
- Range-finding and score validation
- Scoring of performance tasks
- Collaborate on designing score reports and Web tools
Opportunities for Teacher Involvement (cont.)

• Content specifications
  – Reviews to be facilitated by member states
  – Reviews by professional groups facilitated by SBAC (e.g., NEA, AFT, AASA, NCTE, NCTM)

• Specifications include:
  – Descriptions of outcomes
  – Description of the types of evidence
  – Score reporting categories
  – Item types and examples

SBAC Timeline
Implementation Planning Activities

- State Collaborative on Assessment and Student Standards—Implementing the Common Core System (SCASS-ICCS)

- SBE updated on CCSS and assessment in July 2011 (Item 14)

- SBE update on CCSS and assessment in September (tentative)

- SBE action on implementation plan scheduled for November 2011 (tentative)

Transition Planning Meeting

- Mid-August meeting to discuss implementation activities

- Stakeholders across the state invited
  - Field representation: ACSA, CCSESA, CCSA, CTA, CFT, CSBA, superintendents, teachers
  - Parent organizations: PTA
  - IHE: CCC, CSU, UC
  - Legislative committees/DOF/LAO
  - Business organizations: CA Chamber of Commerce
  - Other stakeholders: Californians Together, PICO, Public Advocates
Resources

• SBAC information:
  www.smarterbalanced.org
  (click on “Key Documents”)

• CCSS information:
  http://www.cde.ca.gov/ci/cc/

Contact Us

Deborah V.H. Sigman
Deputy Superintendent of Public Instruction
Curriculum, Learning and Accountability Branch
dsigman@cde.ca.gov
916-319-0100

Rachel Perry
Director of Assessment and Accountability
rperry@cde.ca.gov
916-319-0634

Tom Adams
Director of Standards, Curriculum Frameworks and Instructional Resources Division
tadams@cde.ca.gov
916-319-0663
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

SUBJECT
California College, Career, and Technical Education Center: Consider Issuing a Notice of Intent to Revoke Pursuant to Education Code Section 47607(e).

☐ Action
☐ Information
☒ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) consider that California College, Career, and Technical Education Center (CCCTEC) may have violated provisions of law pursuant to Education Code (EC) Section 47607(c)(4) and failed to engage in sound fiscal management pursuant to EC Section 47607(c)(3) as described in a Notice of Violation issued by the SBE to CCCTEC on July 14, 2011.

After consideration of evidence presented, the CDE and the Advisory Commission on Charter Schools (ACCS) recommend that if the SBE finds that CCCTEC has failed to refute, remedy, or propose to remedy the violations described in the Notice of Violation, that the SBE issue a Notice of Intent to Revoke and Notice of Facts in Support of Revocation pursuant to Education Code (EC) Section 47607(e), included as Attachment 6.

If the SBE issues a Notice of Intent to Revoke and Notice of Facts in Support of Revocation of CCCTEC, the CDE also recommends that the SBE hold a public hearing on September 8, 2011, to consider revocation of the CCCTEC charter.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On June 27, 2011, the SBE president issued a letter to CCCTEC informing the school that it would be considered by the SBE on July 14, 2011, regarding a proposed Notice of Violation. At the July 14, 2011, meeting, the SBE acted to adopt the June 27, 2011, letter as a Notice of Violation to CCCTEC, included as Attachment 1.

SUMMARY OF KEY ISSUES

CCCTEC began operation in the 2010–11 school year. According to the annual attendance apportionment certification submitted by CCCTEC for the 2010–11 school year, CCCTEC claimed average daily attendance of 61.66 students for apportionment
purposes. To date, the CDE has released approximately $941,762 in state and federal funding to CCCTEC during the 2010–11 fiscal year. This amount does not include revenues paid directly to the school from other sources, such as local in-lieu of property taxed paid by the sponsoring local educational agency (Washington Unified School District) and the federal Carol M. White Physical Education Program Grant paid by the United States Department of Education.

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

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.

The CDE has been made aware of a number of issues and allegations that, if true, and if not refuted or resolved immediately by the governing board of CCCTEC, are in violation of subdivisions (3) and (4) of EC Section 47607(c) and may directly impact the ability of CCCTEC to continue operations in 2011–12.

In its analysis of issues, the CDE has reviewed information including, but not limited to the following items:

- Budget and cash flow statements submitted by CCCTEC in its application for a loan from the Charter Schools Revolving Loan program
- Credentials of currently employed CCCTEC teachers
- Agendas and minutes from meetings of the CCCTEC Board of Directors
- Attendance apportionment certifications and supporting documents submitted by CCCTEC
- Correspondence from current and former faculty members, vendors, the Yolo County Office of Education, and parents and guardians of CCCTEC students
- The Carol M. White Physical Education Program (PEP) On-site Monitoring Report
Information gathered at CDE site visits

Pursuant to EC Section 47607(d) that specifies, “prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation,” on July 14, 2011, the SBE issued a Notice of Violation to CCCTEC and allowed CCCTEC the opportunity to provide evidence that refuted, remedied, or proposed to remedy the alleged violations described in the Notice of Violation by the close of business (5 p.m. Pacific Standard Time) on Friday, July 22, 2011.

CCCTEC submitted written evidence to the SBE office on July 22, 2011. This evidence was considered by the ACCS at its July 28, 2011, meeting, at which time, CCCTEC was given the opportunity to present additional information. After consideration of the evidence, the ACCS recommended that the SBE issue a Notice of Intent to Revoke at its September 7, 2011, meeting and allow CCCTEC additional opportunity to present evidence to the SBE that addressed concerns in the Notice of Violation. The ACCS also directed CCCTEC to provide written notification to current and potential staff and students regarding the Notice of Violation and information regarding any public hearings regarding revocation.

Prior to revoking a charter for failure to remedy a violation pursuant to EC Section 47607(d), and after expiration of the school’s reasonable opportunity to remedy the violation, EC Section 47607(e) states:

... 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.

The CDE recommends that the SBE consider (1) the written evidence presented by CCCTEC, included as Attachment 2, (2) the CDE analysis of this written evidence as provided in Attachment 5 and in the Notice of Intent to Revoke and Notice of Facts in Support of Revocation, provided as Attachment 6, (3) the declarations of CDE staff regarding CCCTEC’s fiscal situation as presented to the ACCS at its July 28, 2011, meeting and provided as Attachment 3, and (4) any evidence presented by CCCTEC at the September 7, 2011, meeting of the SBE.
SUMMARY OF KEY ISSUES (Cont.)

If the SBE finds that CCCTEC has been unsuccessful in refuting, remedying, or proposing to remedy the allegations in the Notice of Violation issued on July 14, 2011, the CDE recommends that the SBE issue the Notice of Intent to Revoke, included as Attachment 6.

If the SBE issues the Notice of Intent to Revoke to CCCTEC, the CDE also recommends that the SBE hold a public hearing on September 8, 2011, to consider revocation of the CCCTEC charter.

FISCAL ANALYSIS (AS APPROPRIATE)

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

FISCAL ANALYSIS (Cont.)

If CCCTEC were to close, remaining obligations to the State include, but are not limited to, repayment of 2010–11 overpaid apportionment funds in the amount of $219,068 and repayment of its Charter Schools Revolving Loan in the amount of $100,786. In addition, the CDE is currently working with CCCTEC to validate a number of PCSGP expenditures. CCCTEC would be invoiced for any PCSGP expenditures that cannot be validated or are otherwise disallowed by CDE.

ATTACHMENTS

Attachment 1: Notice of Violation Addressed to Paul Preston, Superintendent/CEO and Member of the California College, Career, and Technical Education Center Board of Directors, and Members of the Board of Directors (4 pages)

Attachment 2: Evidence Submitted to the State Board of Education by the California College, Career, and Technical Education Center on July 22, 2011, in Response to a Notice of Violation (83 Pages). (This attachment is not available for Web viewing. A printed copy is available for viewing in the State Board of Education office.)

Attachment 3: Declarations of California Department of Education Staff Regarding the California College, Career, and Technical Education Center, Presented to the Advisory Commission on Charter Schools on July 28, 2011 (171 Pages). (This attachment is not available for Web...
viewing. A printed copy is available for viewing in the State Board of Education office.)

Attachment 4: Letters to Paul Preston, dated July 18, 2011, and August 10, 2011, Regarding the Public Schools Charter Grant Program (13 Pages)

Attachment 5: California Department of Education Analysis of Evidence Submitted to the State Board of Education by the California College, Career, and Technical Education Center on July 22, 2011, in Response to a Notice of Violation (13 Pages)

Attachment 6: Notice of Intent to Revoke and Notice of Facts in Support of Revocation of the California College, Career, and Technical Education Center (6 Pages)
June 27, 2011

Paul Preston, Superintendent/CEO and Member of the California College, Career, and Technical Education Center Board of Directors
California College, Career, and Technical Education Center
890 Embarcadero Drive
West Sacramento, CA 95691

David Kopperud and Steve McPherson, Members of the California College, Career, and Technical Education Center Board of Directors
California College, Career, and Technical Education Center
890 Embarcadero Drive
West Sacramento, CA 95691

Subject: Notice of Violation Pursuant to Education Code (EC) Section 47607(d)

Dear Mr. Preston and Members of the CCCTEC Board of Directors:

The State Board of Education (SBE) has recently been made aware of a number of issues and allegations that, if not resolved immediately by the governing board, will directly impact the ability of the California College, Career, and Technical Education Center (CCCTEC) to continue operations in 2011–12. Specifically, the items of concern are as follows:

1. CCCTEC appears to have failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement (EC Section 47607(c)(3)):

   - The SBE has been unable to ascertain the fiscal health of the charter, as multiple budgets and cash flow statements have been submitted to the California Department of Education (CDE) Charter Schools Division (CSD) between February and June of 2011 that present different information, making it difficult to accurately analyze the school’s ability to operate or repay its debts.

   - The current attendance accounting system appears to be inadequate, and teachers and staff may not have adequate training to record attendance accurately.

   - Due to last-minute changes to the school calendar and a lack of clarity over appropriate supervision by credentialed teachers, it is unclear whether CCCTEC has offered the minimum number of days and minutes of instruction to receive full apportionment funding.
Messrs. Paul Preston, David Kopperud, Steve McPherson and CCTEC Board of Directors
June 27, 2011
Page 2

- Certificated staff have attested that CCCTEC is anywhere from one to four months behind in issuing paychecks. Teachers have reported walking off the job due to a failure of CCCTEC to issue paychecks or paychecks being returned due to insufficient funds in the CCCTEC account.

- On March 5, 2011, the Yolo County Office of Education (Yolo COE) reported to the CDE that CCCTEC was not current in its California State Teachers Retirement System (CALSTRS) payments to Yolo COE, and that CCCTEC issued a check to Yolo COE that was returned due to insufficient funds. After multiple communications between CDE and CCCTEC and Yolo COE, on March 15, 2011, CCCTEC authorized Yolo COE to redirect a portion of CCCTEC’s in-lieu tax proceeds to cover the CALSTRS payment. As of June 15, 2011, Yolo COE reported that no payroll information had been submitted from CCCTEC since February 2011.

- On March 7, 2011, the CDE was contacted regarding CCCTEC’s participation in the federal Carol M. White Physical Education Program (PEP) grant program as CCCTEC had not been responsive to inquiries from the PEP grant office. The CDE requested that CCCTEC respond to these inquiries. On May 9, 2011, the PEP grant office conducted an on-site monitoring review, which resulted in the release of a monitoring report on May 31, 2011. Findings documented in this report require CCCTEC to appropriately document expenditures of funds from the PEP grant and to return $57,651 to the program by June 10, 2011, with no extensions granted.

- The CDE has been presented with delinquent accounts payable from several vendors who report being paid with checks that were returned for insufficient funds. The CDE has made multiple communications between these vendors and CCCTEC. One vendor reports that as of June 10, 2011, over $5,000 is still owed by CCCTEC.

2. CCCTEC appears to have violated a provision of law (EC Section 47607[c][4]):

- CCCTEC does not appear to be compliant with EC Section 47605(l), which requires teachers of core subjects to possess an appropriate credential or other document authorizing them to teach the subjects to which they are assigned.

In response to communications received by CDE indicating that teachers may not have been paid and that teachers may have been planning to walk off the job, the CDE requested a meeting with Mr. Preston, the CCCTEC board, and a CCCTEC teacher representative on Monday, June 6, 2011. Due to concerns raised at the meeting, on June 9, 2011, the CDE requested that CCCTEC provide evidence regarding communication with teachers about the lack of payment of salaries and documentation regarding the payment of salaries. CCCTEC provided information to the CDE on June 12, 2011; however, the information provided was incomplete. In addition, the CDE conducted a site visit to CCCTEC on June 8, 2011. During the site visit, the CDE was informed of the likelihood of attendance audit findings and that the last day of school was going to be moved up to the following Friday, a week earlier than scheduled.
In addition, SBE Executive Director Sue Burr contacted you on June 27 to provide advance notice that this matter would be publicly noticed on July 1, 2011 and considered by the SBE at the July 13-14 SBE meeting.

Failure to provide substantial evidence that refutes, remedies, or proposes to remedy all of these alleged will provide grounds sufficient to form the basis for an action to revoke the CCCTEC charter pursuant to EC Section 47607(c). On September 7, 2011, 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 September 8, 2011, at which time the SBE will determine whether sufficient evidence exists to revoke CCCTEC’s charter. This letter serves as a formal Notice of Violation, pursuant to EC Section 47607(d) and provides CCCTEC 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) on Friday, July 22, 2011:

1. A budget and cash flow statement that includes all sources of revenue and liabilities, including, but not limited to, the following items:
   
   a. Revenues for the remainder of the current fiscal year and through February 2012, including, but not limited to, the following (do not include grant funds):
      
      i. Revenue from the state
      
      ii. Revenue from other sources, including but not limited to, revenue from subleases
      
      iii. Revenue from the sales of receivables, less any interest or administrative fees
   
   b. Liabilities for the remainder of the current fiscal year and through February 2012, including, but not limited to, the following:
      
      i. Certificated staff salaries, broken down by full-time equivalents
      
      ii. Classified staff salaries, broken down by full-time equivalents
      
      iii. Certificated and classified staff health and retirement benefits, including California State Teachers Retirement System benefits
      
      iv. Repayment of funds to the Carol M. White PEP grant fund as outlined in the site visit report dated May 31, 2011
Messrs. Paul Preston, David Kopperud, Steve McPherson and CCTEC Board of Directors  
June 27, 2011  
Page 4

v. Facilities lease payments and utilities

vi. Liability insurance and worker’s compensation insurance premiums

vii. Repayment of sold receivables

viii. Any apportionment or other funding owed to the state

ix. Any in lieu taxes or other payments due to the local district or county as a result of overpayment

x. Any funds reserved for potential audit exceptions

xi. Any outstanding invoices due to vendors, including, but not limited to, Athletics Unlimited

2. Evidence of highly-qualified status and proper credentialing for all core teachers employed in the 2010–11 and 2011–12 school years and a detailed plan regarding plans to recruit and hire highly-qualified and properly credentialed teachers for the 2011–12 school year, including master schedules that identify teacher assignments for each course

If you have any questions or need any additional information regarding this Notice of Violation, please contact Sue Burr, Executive Director, SBE at 916-319-0827 or via email at SBurr@cde.ca.gov.

Sincerely,

Michael Kirst  
Dr. Michael Kirst, President  
California State Board of Education

MK:eg
Paul Preston, Executive Director  
California College, Career and Technical Education Center  
890 Embarcadero Road  
West Sacramento, CA 95691  

Via e-mail at paul@ccctec.org

Mr. Preston,

I am in receipt of your package dated July 5, 2011, that included materials and clarification requested in regards to your April–June Quarterly Benchmark Report (QBR) under the Public Charter Schools Grant Program (PCSGP).

After reviewing the materials in question, I was unable to approve some of the previously allocated expenses for PCSGP reimbursement. I have enumerated my concerns with questionable expenses in the following sections.

**Personnel Costs**

In previous correspondence, I had requested that you provide duty statements for each employee whose salary was reimbursed using grant funds. I also requested that you generate a percentage of allowable activities based on these duty statements.

In response to the materials you provided in your July package, I now request that you provide a brief explanation about how each percentage was calculated. I also have concerns with the reported dollar amounts for each salary; it appears that they have increased by a factor of 100%, despite a lower percentage of allowable activities. In the matrix on the following page, I provide a comparison of the two sets of allocated values:
July 18, 2011
Page 2

<table>
<thead>
<tr>
<th>Original QBR Entries</th>
<th>Revised Materials from July</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Job Title</strong></td>
<td><strong>Percent Reimbursed</strong></td>
</tr>
<tr>
<td>Superintendant</td>
<td>100%</td>
</tr>
<tr>
<td>Sup. Secretary</td>
<td>100%</td>
</tr>
<tr>
<td>Director</td>
<td>100%</td>
</tr>
<tr>
<td>Campus Security</td>
<td>100%</td>
</tr>
<tr>
<td>Special Programs</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>$93,750.00</td>
</tr>
</tbody>
</table>

Based on the information provided, there is no clear explanation as to why the reimbursements have doubled. Please explain this discrepancy, and revise the figures as needed.

**4000 Series**

In prior correspondence, I requested clarification on checks 1187, 1196, 1192, 1209, 1228, 1229, 1230, 1231, 1232, 1221, 1225, 1247; I also requested an explanation of checks 1211 and 1233, payments to Straw Hat Pizza. Checks 1186, 1206, 1208, 1241, and 1224 required no additional clarification.

- You have provided sufficient clarification for checks 1209, 1228, 1232, 1221, and 1225.

- I was unable to find any materials correlating to checks 1187 for $220.64, and 1231 for $383.67. Therefore I request that you reduce the reported reimbursement by $604.31.

- The following checks include purchases that were made prior to January 1, 2011, your grant starting date, and are therefore not fully allowable: 1196 ($582.31 in non-allowable expenses that predate the grant award), 1192 ($332.72), 1229 ($111.71), 1211 ($331.00). Therefore I request that you reduce the reported reimbursement by $1,357.74.
July 18, 2011
Page 3

- Check 1247 includes $620.90 in non-allowable utilities expenses (periodic phone bills). Therefore I request that you reduce the reported reimbursement by $620.90.

- You indicated that check 1233 for $2,000 to Straw Hat Pizza was for day-to-day lunches. I will allow this expense. Please be aware of restrictions on lunch service expenditures for future reporting; guidance may be found in the recently released document entitled “Guidance on Allowable Expenditures.”

- You indicated that check 1230 was removed. Therefore I request that you reduce the reported reimbursement by $10.00.

Total reductions for the 4000 Series equal $2,592.95. The original expense reported was $13,654.55. Therefore I request that you revise the reported total to account for a total expense of $11,061.60. I have provided the following matrix to clarify the status of your reported expenses in the 4000 Series:

<table>
<thead>
<tr>
<th>Check No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Action</th>
<th>Eligible Reimbursement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1187</td>
<td>Reimbursement forms not provided</td>
<td>$220.64</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1196</td>
<td>Supplies, food and gas</td>
<td>$1,778.92</td>
<td>Reduced</td>
<td>$1,196.61</td>
</tr>
<tr>
<td>1186</td>
<td>Auto shop supplies from Harbor Freight</td>
<td>$135.15</td>
<td>Approved</td>
<td>$135.15</td>
</tr>
<tr>
<td>1192</td>
<td>Books and supplies</td>
<td>$332.72</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1206</td>
<td>SVS Furniture</td>
<td>$2,856.22</td>
<td>Approved</td>
<td>$2,856.22</td>
</tr>
<tr>
<td>1209</td>
<td>Supplies, stamps and snacks</td>
<td>$730.22</td>
<td>Approved</td>
<td>$730.22</td>
</tr>
<tr>
<td>1228</td>
<td>Custodial Supplies</td>
<td>$221.78</td>
<td>Approved</td>
<td>$221.78</td>
</tr>
<tr>
<td>1229</td>
<td>Home Depot</td>
<td>$111.71</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1230</td>
<td>Reimbursement forms not provided</td>
<td>$10.00</td>
<td>Removed</td>
<td>$0.00</td>
</tr>
<tr>
<td>1231</td>
<td>Reimbursement forms not provided</td>
<td>$383.67</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1232</td>
<td>Gas, food, and other misc. supplies</td>
<td>$1,124.58</td>
<td>Approved</td>
<td>$1,124.58</td>
</tr>
<tr>
<td>1208</td>
<td>Office equipment from Edwards Office</td>
<td>$933.79</td>
<td>Approved</td>
<td>$933.79</td>
</tr>
<tr>
<td>1241</td>
<td>Uniforms from Classic</td>
<td>$185.96</td>
<td>Approved</td>
<td>$185.96</td>
</tr>
</tbody>
</table>
July 18, 2011
Page 4

### 4000 Series Reimbursements

<table>
<thead>
<tr>
<th>Check No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Action</th>
<th>Eligible Reimbursement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1221</td>
<td>Science supplies</td>
<td>$28.89</td>
<td>Approved</td>
<td>$28.89</td>
</tr>
<tr>
<td>1224</td>
<td>Shop Class supplies from Hannis Indust.</td>
<td>$803.88</td>
<td>Approved</td>
<td>$803.88</td>
</tr>
<tr>
<td>1225</td>
<td>Dry-erase markers</td>
<td>$20.11</td>
<td>Approved</td>
<td>$20.11</td>
</tr>
<tr>
<td>1211</td>
<td>Straw Hat Pizza</td>
<td>$331.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1233</td>
<td>Straw Hat Pizza</td>
<td>$2,000.00</td>
<td>Approved</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>1247</td>
<td>Phone bills, misc. supplies</td>
<td>$1,445.31</td>
<td>Reduced</td>
<td>$824.41</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td><strong>$13,654.55</strong></td>
<td></td>
<td><strong>$11,061.60</strong></td>
</tr>
</tbody>
</table>

### 5000 Series

In prior correspondence, I requested that you screen checks 1240, 1214, 1236, 1230, and the two PG&E print-outs for non-allowable expenses. I also requested that you clarify checks 1188, 1185, 1183, 1184, 1193, 1197, 1194, 1190, 1205, 1226, 1207, 1210, 1218, 1215, 1235, 1246, 1309, 1251, 10031 and 10030. The following checks required no additional clarification: 1195, 1222, 1216, 1217, 1219, 1212, 1234, 1243, 1220, 1223, 1213, and 1245.

- You have provided sufficient clarification for checks 1188, 1185, 1194, 1190, 1205, 1207, 1218, 1215, 1235, and 1309. You have also clarified the eligibility of checks 1240, 1214, and 1236.

- Check 1189 for $1,952.50 was not included in any of the materials previously submitted. However, because the activities listed in back-up documentation are allowable, I have approved this expense.

- Clarification was not provided, or the materials provided were insufficient for the following checks: 1183 ($2,400.00), 1184 ($1,673.00), 1193 ($2,289.20), 1197 ($498.00), 1226 ($700.00), 1246 ($2,860.00), 1251 ($1,676.80), 1230 ($10.00), and both PG&E printouts ($10,200 and $11,000). Therefore I request that you reduce the reported reimbursement by $33,307.00.

- Invoices correlating to check 1210 are dated prior to January 1, 2011, and are therefore not eligible for reimbursement. Therefore I request that you reduce the reported reimbursement by $3,000.00.
July 18, 2011
Page 5

- You indicated that checks 10031 ($119.22) and 10030 ($2,513.81) were removed. Therefore I request that you reduce the reported reimbursement by $2,633.03.

- You indicated that the duplicate check 1235 ($850.00) has been removed. I found another duplicate check, 1222 ($35.00), that was factored into your reimbursement; I have denied this check. I request that you reduce the reported reimbursement by $885.00.

- Your original report did not include information pertaining to check 1306 ($11,039.60) to First National Bank. However, you submitted check 1306 with the package of materials submitted in May 2011. I had not factored this check into your reimbursement when drafting my response dated June 17, 2011. Before this check can be reimbursed using grant funds, I will need additional information that explains what goods or services were purchased. Until this matter has been addressed, the check cannot be reimbursed; I have noted it as “Denied” in the table below. I request that you reduce the reported reimbursement by $11,039.60.

Total reductions for the 5000 Series equal $50,864.63. There were two increases in the reported amount for $1,952.50 and $20.00. The original expense reported was $94,071.54. Therefore I request that you revise the reported total to account for a total expense of $45,179.41. I have provided the following matrix to clarify the status of your reported expenses in the 5000 Series.

<table>
<thead>
<tr>
<th>Check No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Action</th>
<th>Eligible Reimbursement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1188</td>
<td>Consultant fees for grant implementation</td>
<td>$3,000.00</td>
<td>Approved</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>1189</td>
<td>Contractor for Recruiting and Admin (Not previously reported - $1,952.50)</td>
<td>$0.00</td>
<td>Approved</td>
<td>$1,952.50</td>
</tr>
<tr>
<td>1185</td>
<td>Advertising Costs – Town Planner</td>
<td>$2,212.08</td>
<td>Approved</td>
<td>$2,212.08</td>
</tr>
<tr>
<td>1183</td>
<td>Clarification not provided</td>
<td>$2,400.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1184</td>
<td>Clarification not provided</td>
<td>$1,673.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
### 5000 Series Reimbursements

<table>
<thead>
<tr>
<th>Check No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Action</th>
<th>Eligible Reimbursement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1193</td>
<td>Clarification not provided</td>
<td>$2,289.20</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1197</td>
<td>Clarification not provided</td>
<td>$498.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1195</td>
<td>Legal Fees</td>
<td>$2,500.00</td>
<td>Approved</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>1194</td>
<td>Consultant fees for Grant Monitoring</td>
<td>$5,000.00</td>
<td>Approved</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>1190</td>
<td>Hats and Phone System</td>
<td>$2,923.36</td>
<td>Approved</td>
<td>$2,923.36</td>
</tr>
<tr>
<td>1205</td>
<td>Deposit for Internet Services</td>
<td>$2,000.00</td>
<td>Approved</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>1222</td>
<td>Conference Registration</td>
<td>$35.00</td>
<td>Approved</td>
<td>$35.00</td>
</tr>
<tr>
<td>1240</td>
<td>Hook-up for Direct TV</td>
<td>$54.26</td>
<td>Approved</td>
<td>$54.26</td>
</tr>
<tr>
<td>1216</td>
<td>Locks</td>
<td>$1,737.71</td>
<td>Approved</td>
<td>$1,737.71</td>
</tr>
<tr>
<td>1217</td>
<td>Locks</td>
<td>$60.35</td>
<td>Approved</td>
<td>$60.35</td>
</tr>
<tr>
<td>1219</td>
<td>Locks</td>
<td>$464.44</td>
<td>Approved</td>
<td>$464.44</td>
</tr>
<tr>
<td>1226</td>
<td>Contractor; it is unclear what services were provided</td>
<td>$700.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1207</td>
<td>Contractor; activities listed include “Wal-Mart” and “Job Corps”</td>
<td>$2,232.50</td>
<td>Approved</td>
<td>$2,232.50</td>
</tr>
<tr>
<td>1212</td>
<td>Advertising</td>
<td>$630.00</td>
<td>Approved</td>
<td>$630.00</td>
</tr>
<tr>
<td>1234</td>
<td>Advertising</td>
<td>$837.38</td>
<td>Approved</td>
<td>$837.38</td>
</tr>
<tr>
<td>1210</td>
<td>Install printer; fire test</td>
<td>$3,000.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1218</td>
<td>Substitute Teacher</td>
<td>$2,470.00</td>
<td>Approved</td>
<td>$2,470.00</td>
</tr>
<tr>
<td>1243</td>
<td>Legal Fees</td>
<td>$320.00</td>
<td>Approved</td>
<td>$320.00</td>
</tr>
<tr>
<td>1215</td>
<td>Grant Administration</td>
<td>$3,000.00</td>
<td>Approved</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>1220</td>
<td>IT Services</td>
<td>$2,610.00</td>
<td>Approved</td>
<td>$2,610.00</td>
</tr>
<tr>
<td>1223</td>
<td>Consulting, video services</td>
<td>$2,500.00</td>
<td>Approved</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>1213</td>
<td>Website Design</td>
<td>$2,000.00</td>
<td>Approved</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>1214</td>
<td>Hook-up for J-4 Systems</td>
<td>$2,243.16</td>
<td>Approved</td>
<td>$2,243.16</td>
</tr>
<tr>
<td>1235</td>
<td>Deposit for Increased</td>
<td>$850.00</td>
<td>Approved</td>
<td>$870.00</td>
</tr>
</tbody>
</table>
July 18, 2011
Page 7

### 5000 Series Reimbursements

<table>
<thead>
<tr>
<th>Check No.</th>
<th>Description</th>
<th>Total Cost</th>
<th>Action</th>
<th>Eligible Reimbursement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1236</td>
<td>Hook-up for J-4 Systems</td>
<td>$1,351.67</td>
<td>Approved</td>
<td>$1,351.67</td>
</tr>
<tr>
<td>1246</td>
<td>No clarification provided</td>
<td>$2,860.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1245</td>
<td>Website Design</td>
<td>$1,675.00</td>
<td>Approved</td>
<td>$1,675.00</td>
</tr>
<tr>
<td>1309</td>
<td>West Sacramento Press</td>
<td>$500.00</td>
<td>Approved</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>PG&amp;E Statement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No explanation provided</td>
<td>$10,200.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1251</td>
<td>No clarification provided</td>
<td>$1,676.80</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>10031</td>
<td>Payroll Check</td>
<td>$119.22</td>
<td>Removed</td>
<td>$0.00</td>
</tr>
<tr>
<td>10030</td>
<td>Payroll Check</td>
<td>$2,513.81</td>
<td>Removed</td>
<td>$0.00</td>
</tr>
<tr>
<td>1230</td>
<td>Insufficient explanation provided</td>
<td>$10.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td></td>
<td>PG&amp;E Statement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No explanation provided</td>
<td>$11,000.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1222</td>
<td>Duplicate Check</td>
<td>$35.00</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td>1235</td>
<td>Duplicate Check</td>
<td>$850.00</td>
<td>Removed</td>
<td>$0.00</td>
</tr>
<tr>
<td>1306</td>
<td>First National Bank – Unclear what was purchased</td>
<td>$11,039.60</td>
<td>Denied</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td><strong>$94,071.54</strong></td>
<td></td>
<td><strong>$45,179.41</strong></td>
</tr>
</tbody>
</table>

### 6000 Series

In previous correspondence, I requested that you clarify the expense’s eligibility for reimbursement. The explanation you provided was sufficient, and the expense is approved.

**Summary of Requested Action and Timeline for Remedy**

I have provided a summary of requested action, below:
July 18, 2011
Page 8

- In regards to Personnel Costs, I request that you provide a brief explanation about how the percentages of grant-related activities were developed. Also, re-evaluate the dollar amounts calculated on your most recent response. If the dollar amounts are accurate, then explain the discrepancy between your originally reported amounts and the newly reported amounts. Otherwise, revise the reimbursement claims for each salary as needed.

- In regards to the 4000 Series costs, I request that you revise the reported amount to reflect a total spending of 11,061.60, as calculated in this letter. If you are able to provide additional supporting materials to substantiate expenses that are still in question or that have been denied for reimbursement, you may do so.

- In regards to the 5000 Series costs, I request that you revise the reported amount to reflect a total spending of $45,179.41, as calculated in this letter. If you are able to provide additional supporting materials to substantiate expenses that are still in question or that have been denied for reimbursement, you may do so.

- In regards to the 6000 Series costs, no additional action is needed.

- Once all of these revisions have been finalized, you must input the revised data into the online Quarterly Benchmark Report template. I will provide you with additional guidance once all items in question have been satisfactorily addressed.

Please submit your response to the items of concern identified in this letter no later than Monday, August 1, 2011. You may submit any materials pertinent to a response through e-mail to ckoehler@cde.ca.gov, through fax care of Casey Koehler at 916-322-1465, or through mail to the following address:

Casey Koehler  
Charter Schools Division, Suite 5401  
California Department of Education  
1430 N Street  
Sacramento, CA 95814

If you fail to remedy concerns described in this letter, expenses that cannot be approved will be deemed ineligible for reimbursement. Your school will be invoiced for grant funds that are not accounted for by the end of your grant project period.

If you have any questions or concerns about the contents of this letter, please contact Casey Koehler by phone at 916-319-0252, or by e-mail at ckoehler@cde.ca.gov.
July 18, 2011
Page 9

Sincerely,
Casey Koehler
August 10, 2011

Paul Preston, Executive Director
California College, Career and Technical Education Center
890 Embarcadero Road
West Sacramento, CA 95691

Via e-mail at paul@ccctec.org

Mr. Preston,

I am in receipt of your letter dated August 2, 2011, which provided clarification on personnel expenses allocated in the Fiscal Year 2010 Quarter 3 Quarterly Benchmark Report (QBR) for California College, Career and Technical Education Center (CCCTEC) under the Public Charter Schools Grant Program (PCSGP).

After reviewing the materials in question, I still have concerns regarding the personnel expenses you have allocated to the grant. Please review the contents of this letter carefully, and respond to required action that is described at the end of this letter.

History of Requested Action

I have drafted the following timeline, and the subsequent data presented in Table 1, to explain my confusion regarding your reported salary expenditures.

- May 2, 2011:
  Mr. Koehler reviewed the CCCTEC FY2010 Quarter 3 QBR and requested that Mr. Preston upload Personnel Activity Reports (PARs) for each salary allocated.

- May 16, 2011:
  Mr. Preston uploaded PAR reports and resubmitted the QBR.

- June 17, 2011:
  Mr. Koehler reviewed the QBR and requested clarification on salary expenses based on inconsistencies in the PAR reports, specifically that each PAR
August 10, 2011
Page 2

demonstrated 100% effort given to PCSGP activities.

- July 1, 2011:
  Mr. Preston re-submitted the QBR with revised figures, and mailed hardcopy documentation to explain the percent of effort to grant objectives for each salary expense.

- July 5, 2011:
  Mr. Koehler received hardcopy materials.

- July 18, 2011:
  Mr. Koehler requested clarification because hardcopy materials indicated that the total salary expenses had increased by 100% despite the total percentage of effort having been reduced to varying degrees for each salary (detailed in Table 1).

- August 2, 2011:
  Mr. Preston responded via e-mail, and explained that the figures should be reduced to their previously reported levels.

I have provided the following table on the next page, which displays how reported data has changed from response to response. Due to multiple fluctuations in the data presented, I am unable to assess the credibility of these reimbursements.

To clarify, the Percent of Effort should indicate the percentage of time on payroll that a staff member has devoted to grant-related activities, such as completion of a Work Plan objective. Therefore, the percentage should also equal the total reimbursed salary divided by the total salary expense overall.
## Table 1: Fluctuations in Salary Reimbursements

<table>
<thead>
<tr>
<th>Staff Member / Title</th>
<th>Dollars Allocated</th>
<th>Percent of Effort</th>
<th>($\Delta$) from Previous Response</th>
<th>May 16, 2011 Revision</th>
<th>July 1, 2011 Revision</th>
<th>July 5, 2011 Response</th>
<th>August 2, 2011 Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Preston</td>
<td>$28,415.64</td>
<td>100%</td>
<td>N/A</td>
<td>Paul Preston</td>
<td>$31,500.00</td>
<td>100%</td>
<td>▲ 11%</td>
</tr>
<tr>
<td>LaJuana Minnick</td>
<td>$13,455.00</td>
<td>100%</td>
<td>N/A</td>
<td>LaJuana Minnick</td>
<td>$9,000.00</td>
<td>100%</td>
<td>▼ 33%</td>
</tr>
<tr>
<td>Steve McPherson</td>
<td>$23,875.74</td>
<td>100%</td>
<td>N/A</td>
<td>Steve McPherson</td>
<td>$38,250.00</td>
<td>100%</td>
<td>▲ 60%</td>
</tr>
<tr>
<td>Carol Clark</td>
<td>$12,150.00</td>
<td>100%</td>
<td>N/A</td>
<td>Carol Clark</td>
<td>$3,750.00</td>
<td>100%</td>
<td>▼ 69%</td>
</tr>
<tr>
<td>Pete Benitti</td>
<td>$10,000.00</td>
<td>100%</td>
<td>N/A</td>
<td>Pete Benitti</td>
<td>$11,250.00</td>
<td>100%</td>
<td>▲ 13%</td>
</tr>
<tr>
<td>Total:</td>
<td>$87,896.38</td>
<td></td>
<td></td>
<td>Total:</td>
<td>$93,750.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Executive Director   | $63,000.00        | 60%               | ▲ 100%                           | Superint-ent         | $31,500.00           | 100%                  | ▼ 100%                 |
| Sup. Secretary       | $18,000.00        | 45%               | ▲ 100%                           | Sup. Secretary       | $9,000.00            | 100%                  | ▼ 100%                 |
| Director             | $76,500.00        | 90%               | ▲ 100%                           | Director             | $38,250.00           | 100%                  | ▼ 100%                 |
| Campus Supervisor    | $7,000.00         | 25%               | ▲ 100%                           | Campus Security      | $3,750.00            | 100%                  | ▼ 100%                 |
| Supervisor           | $22,500.00        | 50%               | ▲ 100%                           | Special Programs     | $11,250.00           | 100%                  | ▼ 100%                 |
| Total:               | $187,000.00       |                   |                                  | Total:               | $93,750.00           |                      |                        |
Required Action

Due to fluctuations in the reported salary figures, I cannot accept these materials as credible for PCSGP expense reporting. In order to approve any salary reimbursement, I must see all of the following materials:

1. Payroll records that demonstrate the actual salary expense for all reported employees' salaries.

2. A description of each employee's duties for which they received compensation during the months of January–March, 2011. Descriptions must encompass all duties that the employee is obligated to perform under employment of the organization, and not just grant-related duties.

3. For each salary, the percentage of duties that correlate to a grant objective (such as curriculum development or a Work Plan activity) divided by total time on payroll overall. This percentage must have an apparent correlation to the description of duties in item 2. Where there is no apparent correlation, you must describe in detail how the activity is grant-related.

Please submit this information within one week's time, no later than 11:59 PM on Wednesday, August 17, 2011. This is your final notice. If you fail to submit the required materials, all personnel expenses allocated in your FY2010 Quarter 3 report will be deemed ineligible for reimbursement.

You may submit any materials pertinent to a response through e-mail to ckoehler@cde.ca.gov, through fax care of Casey Koehler at 916-322-1465, or by mail to the following address:

Casey Koehler
Charter Schools Division, Suite 5401
California Department of Education
1430 N Street
Sacramento, CA 95814

If you have any questions or concerns about the contents of this letter, contact Casey Koehler by e-mail at ckoehler@cde.ca.gov. Please ensure that all future communications are made in writing.

Sincerely,
Casey Koehler
California Department of Education (CDE)
Analysis of Evidence Submitted to the State Board of Education by the
California College, Career, and Technical Education Center (CCCTEC) on July 22, 2011,
in Response to a Notice of Violation

Table 1: CCCTEC appears to have failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement (EC Section 47607[c][3])

<table>
<thead>
<tr>
<th>Concern or Request as Stated in June 27, 2011 Notice of Violation</th>
<th>Summary of CCCTEC Response Submitted July 22, 2011</th>
<th>CDE Analysis of CCCTEC Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The SBE has been unable to ascertain the fiscal health of the charter, as multiple budgets and cash flow statements have been submitted to the CDE Charter Schools Division between February and June of 2011 that present different information, making it difficult to accurately analyze the school’s ability to operate or repay its debts.</td>
<td>CCCTEC submitted at least 5 different applications for a Revolving Loan. Mr. Preston worked with CDE staff to obtain the most accurate projections possible. CCCTEC submitted a Revolving Loan Fund application on June 3, 2011, and would like to see it fulfilled for the entire amount applied for in May 2010.</td>
<td>CDE records indicate that CCCTEC submitted at least 7 versions of its budget and cash flow as part of the application process for a $150,000 Revolving Loan. Each budget submitted was based average daily attendance that was significantly overstated. Based on data submitted, CDE could not accurately assess the financial position of the school and its ability to make loan repayments in future years.</td>
</tr>
<tr>
<td>The current attendance accounting system appears to be inadequate, and teachers and staff may not have adequate training to record attendance accurately.</td>
<td>CCCTEC expressed concerns regarding its attendance accounting in October 2010. There were problems with the original vendor. A new vendor has been contacted and two onsite training sessions for staff were conducted before June 2011. New staff will be trained prior to opening of school.</td>
<td>The CCCTEC response did not include any details about the vendor it contacted or the training provided for staff. Therefore, the CDE cannot evaluate whether any new systems are adequate.</td>
</tr>
<tr>
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<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Due to last-minute changes to the school calendar and a lack of clarity over appropriate supervision by credentialed teachers, it is unclear whether CCCTEC has offered the minimum number of days and minutes of instruction to receive full apportionment funding.</td>
<td>CCCTEC has met all requirements for the minimum number of days and minutes. All students were appropriately supervised with an appropriately credentialed teacher. CCCTEC will work to clarify staff assignments and show matching credentials to CDE staff in the future.</td>
<td>CCCTEC may have offered instruction for the minimum number of days and minutes, but because no information was provided linking credentials to a master schedule, the CDE cannot determine if those instructional minutes were supervised by appropriately credentialed teachers. Similarly, without a master schedule, the CDE cannot analyze the 2011–12 schedule.</td>
</tr>
<tr>
<td>Certificated staff have attested that CCCTEC is anywhere from one to four months behind in issuing paychecks. Teachers have reported walking off the job due to a failure of CCCTEC to issue paychecks or paychecks being returned due to insufficient funds in the CCCTEC account.</td>
<td>CCCTEC was short funds. As funds become available, any past amounts owed to employees will be paid. There were no indications that teachers may have been planning to walk off the job.</td>
<td>The CDE found no evidence that provided a source of funds to make these payments. The CDE received conflicting reports from staff regarding their intentions to leave their posts at CCCTEC.</td>
</tr>
</tbody>
</table>
Table 1: CCCTEC appears to have failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement (EC Section 47607[c][3])

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<tr>
<td>On March 5, 2011, the Yolo County Office of Education (Yolo COE) reported to the CDE that CCCTEC was not current in its California State Teachers Retirement System (CALSTRS) payments to Yolo COE, and that CCCTEC issued a check to Yolo COE that was returned due to insufficient funds. After multiple communications between CDE and CCCTEC and Yolo COE, on March 15, 2011, CCCTEC authorized Yolo COE to redirect a portion of CCCTEC's in-lieu tax proceeds to cover the CALSTRS payment. As of June 15, 2011, Yolo COE reported that no payroll information had been submitted from CCCTEC since February 2011.</td>
<td>In February 2011 funds were distributed without CCCTEC authorization and the account did not have sufficient funds to cover checks. As funds are available CCCTEC will pay past CALSTRS amounts due and will work with a back office provider to prevent a repeat of this type of incident.</td>
<td>The CDE did not find any evidence to suggest that CCCTEC has a plan to repay CALSTRS funds, as CCCTEC did not provide evidence of how much is owed or what funds would be used. The CDE also could not find evidence of any agreements with a new back office provider.</td>
</tr>
</tbody>
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<tbody>
<tr>
<td>On March 7, 2011, the CDE was contacted regarding CCCTEC's participation in the federal Carol M. White Physical Education Program (PEP) grant program as CCCTEC had not been responsive to inquiries from the PEP grant office. The CDE requested that CCCTEC respond to these inquiries. On May 9, 2011, the PEP grant office conducted an on-site monitoring review, which resulted in the release of a monitoring report on May 31, 2011. Findings documented in this report require CCCTEC to appropriately document expenditures of funds from the PEP grant and to return $57,651 to the program by June 10, 2011, with no extensions granted.</td>
<td>CCCTEC feels that with further review by the PEP program, the expenditures will be substantially reduced. The management of the PEP grant was hindered by several people. CCCTEC will continue to train personnel to properly handle PEP grant requirements.</td>
<td>All communications between PEP grant staff and CDE have indicated that the amounts owed by CCCTEC have not been reduced, and that CCCTEC is further out of compliance with PEP grant requirements since the May 31, 2011 report.</td>
</tr>
<tr>
<td>Concern or Request as Stated in June 27, 2011 Notice of Violation</td>
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</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>The CDE has been presented with delinquent accounts payable from several vendors who report being paid with checks that were returned for insufficient funds. The CDE has made multiple communications between these vendors and CCCTEC. One vendor reports that as of June 10, 2011, over $5,000 is still owed by CCCTEC.</td>
<td>CCCTEC is aware of all outstanding invoices. CCCTEC has worked with vendors and will continue to do so. CCCTEC will ensure that all purchasing procedures are followed by all staff.</td>
<td>The CDE has copies of unpaid invoices that were not presented in CCCTEC’s evidence, as presented in declarations from CDE staff and made public at the Advisory Commission on Charter Schools meeting on July 28, 2011. The lack of accounting for all unpaid invoices concerns CDE, as it is difficult to ascertain a clear understanding of CCCTEC’s fiscal health. The budget documents submitted by CCCTEC do not account for shortfalls in the 2010–11 school year and propose to remedy issues by selling receivables for funds needed to operate in the 2011–12 school year.</td>
</tr>
</tbody>
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<tr>
<td>Submit a budget and cash flow statement that includes all sources of revenue and liabilities for the remainder of the current fiscal year and through February 2012, including, but not limited to, the following items:</td>
<td>A planning budget was submitted that was ambiguously labeled; the budget indicated that it was for years two through six, contained partial entries for 2011–12, and was complete for the years from 2012–13 through 2015–16. A cash flow statement was not provided.</td>
<td>A budget was included, however no budget assumptions were provided. Without detailed budget assumptions, CDE cannot validate how various revenues and expenditures were calculated. CDE made the following observations and assumptions based on data provided:</td>
</tr>
<tr>
<td>CCCTEC indicates that Object Code 7281 represents all debts, salaries, taxes, lease costs, etc.</td>
<td></td>
<td>• Average daily attendance (ADA) appears to be projected as 144, 408, 480, 600 and 600 for Years 2 through 6 respectively;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Revenues</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- appear to increase each year in a similar proportion to increases in ADA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- include PCSGP and PEP Grant; the status of these two grants is uncertain at this time</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- assume receipt of $150,000 Revolving Loan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Expenditures:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- teacher salaries appear to be understated or assume larger class sizes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- uncertain whether sufficient funds are budgeted for a principal and executive director that are currently employed</td>
</tr>
</tbody>
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<td>Revenue from the state</td>
<td>Revenues are provided.</td>
<td>- Rent/lease costs increase from $368k in Year 2 to $1.1m/year in Years 3 through 6; amounts appear to be inconsistent with lease agreement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- increases are reflected in the areas of certificated and classified salaries, employee benefits and books/supplies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- no increases are included for the areas of services and other operating expenses (exception is the increase in rent/lease)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Object Code 7281, i.e., other transfers, identifies expenditures (debts) of $425k, however a detailed accounting of these debts is not provided</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A cash flow statement was not provided; therefore CDE cannot assess CCCTEC’s ability to meet monthly obligations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>It is uncertain in the budget whether allowances are made for overstated apportionment and audit findings for the 2010–11 school year.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In general, revenues appear to increase each year in a similar proportion to</td>
</tr>
</tbody>
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</thead>
<tbody>
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<td>Revenue from other sources, including but not limited to, revenue from subleases</td>
<td>Federal revenues include PCSGP funds of $306,000 for one year and PEP grant funds of $338,000 for two years.</td>
<td>increases in ADA; assume receipt of funds from the PCSGP and PEP Grant, the status of these two grants is uncertain at this time; and assume receipt of $150,000 Revolving Loan. The budget identifies state revenues from the following sources: - General Purpose Entitlement - Categorical Block Grant - New School Block Grant - State Lottery - Economic Impact Aid - Revolving Loan. The CDE has significant concerns that the PCSGP and PEP grant funds will not be available. In addition, CCCTEC’s proposed budget includes federal revenue from NCLB, Title I, Part A. CDE finds that CCCTEC is substantially out of compliance with the PCSGP grant requirements and may be invoiced for the return of PCSGP funds from 2010–11. Because CCCTEC is not in good standing with the PCSGP grant, it is unlikely to receive any further funding.</td>
</tr>
<tr>
<td>Revenue from the sales of receivables, less any interest or administrative fees</td>
<td>CCCTEC responded that it would have $306,000 in PCSGP receivables that could be sold for a net of $285,000.</td>
<td></td>
</tr>
</tbody>
</table>

CCCTEC responded that it would have $306,000 in PCSGP receivables that could be sold for a net of $285,000.
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<tbody>
<tr>
<td>Submit liabilities for the remainder of the current fiscal year and through February 2012, including, but not limited to, the following items:</td>
<td>Some current outstanding invoices were provided; however, and the budget contained summary estimates of projected liabilities.</td>
<td>There was insufficient detail regarding liabilities to accurately determine if CCCTEC can continue to operate.</td>
</tr>
<tr>
<td>Certificated staff salaries, broken down by full-time equivalents (FTEs)</td>
<td>Certificated salaries broken down by individual, and not by FTE, provided for May and June of 2011 only.</td>
<td>Incomplete response; unable to evaluate.</td>
</tr>
<tr>
<td>Classified staff salaries, broken down by full-time equivalents</td>
<td>Classified salaries broken down by individual, and not by FTE, provided for May and June of 2011 only.</td>
<td>Incomplete response; unable to evaluate.</td>
</tr>
</tbody>
</table>

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</thead>
<tbody>
<tr>
<td>Certificated and classified staff health and retirement benefits, including California State Teachers Retirement System benefits</td>
<td>The cost of benefits is addressed in the “Planning” 2012–16 budget. STRS payments are shown for May and June 2011 only.</td>
<td>Incomplete response; unable to evaluate.</td>
</tr>
<tr>
<td>Repayment of funds to the Carol M. White PEP grant fund as outlined in the site visit report dated May 31, 2011</td>
<td>Mr. Preston stated that the school owes $57,651; however, no supporting evidence was provided.</td>
<td>It is unclear how CCCTEC has calculated STRS expenditures in the 2011–12 budget. The CDE has evidence that CCCTEC owes $327,024 to the PEP grant program.</td>
</tr>
<tr>
<td>Facilities lease payments and utilities</td>
<td>Mr. Preston stated that the school still owes $68,948.32 in rent for 4 months and $59,737.76 to PG&amp;E; however, no supporting evidence was provided.</td>
<td>Incomplete response; unable to evaluate.</td>
</tr>
<tr>
<td>Liability insurance and worker’s compensation insurance premiums</td>
<td>Insurance proposals were submitted, but no evidence of payment of premiums was provided.</td>
<td>Incomplete response; unable to evaluate.</td>
</tr>
<tr>
<td>Repayment of sold receivables</td>
<td>Account statement provided showing no amounts owed.</td>
<td>Response complete.</td>
</tr>
<tr>
<td>Any apportionment or other funding owed to the state</td>
<td>Evidence of $219,068 overpayment was provided.</td>
<td>Response complete.</td>
</tr>
<tr>
<td>Any in lieu taxes or other payments due to the local district or county as a result of overpayment</td>
<td>Provided “Example Estimate” and “Estimated Cash Flow” charts.</td>
<td>The “Example Estimate” and “Estimated Cash Flow” submitted reflect CCCTEC’s estimated payments for in-lieu taxes and SELPA funding, respectively, beginning in July 2011. CDE’s concern about funds</td>
</tr>
</tbody>
</table>

---

Table 1: CCCTEC appears to have failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement (EC Section 47607[c][3])

<table>
<thead>
<tr>
<th>Concern or Request as Stated in June 27, 2011 Notice of Violation</th>
<th>Summary of CCCTEC Response Submitted July 22, 2011</th>
<th>CDE Analysis of CCCTEC Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificated and classified staff health and retirement benefits, including California State Teachers Retirement System benefits</td>
<td>The cost of benefits is addressed in the “Planning” 2012–16 budget. STRS payments are shown for May and June 2011 only.</td>
<td>Incomplete response; unable to evaluate.</td>
</tr>
<tr>
<td>Repayment of funds to the Carol M. White PEP grant fund as outlined in the site visit report dated May 31, 2011</td>
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<tr>
<td>Any in lieu taxes or other payments due to the local district or county as a result of overpayment</td>
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<td>The “Example Estimate” and “Estimated Cash Flow” submitted reflect CCCTEC’s estimated payments for in-lieu taxes and SELPA funding, respectively, beginning in July 2011. CDE’s concern about funds</td>
</tr>
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<td>Summary of CCCTEC Response Submitted July 22, 2011</td>
<td>CDE Analysis of CCCTEC Response</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Any funds reserved for potential audit exceptions</td>
<td>“$5,000” was the response, yet no supporting evidence was provided.</td>
<td>owed to the local district or county is not addressed by these documents.</td>
</tr>
<tr>
<td>Any outstanding invoices due to vendors, including, but not limited to, Athletics Unlimited</td>
<td>Stated that the school is aware of all outstanding invoices and provided the following invoices: 1. DGS - $4,290.38 2. City of W. Sacramento - $1875 3. City of W. Sacramento - $937.25 4. TES - $7,106.81 5. School Pathways - $4,000 6. Charter School Accounting - $5,000</td>
<td>Response was unclear.</td>
</tr>
</tbody>
</table>

Any funds reserved for potential audit exceptions: Any funds reserved for potential audit exceptions were not addressed by CCCTEC’s response. The CDE notes that “$5,000” was the response, yet no supporting evidence was provided. The response was unclear.

Any outstanding invoices due to vendors, including, but not limited to, Athletics Unlimited: CCCTEC stated that the school is aware of all outstanding invoices and provided the following invoices: 1. DGS - $4,290.38 2. City of W. Sacramento - $1875 3. City of W. Sacramento - $937.25 4. TES - $7,106.81 5. School Pathways - $4,000 6. Charter School Accounting - $5,000. The CDE is aware of additional invoices from Athletics Unlimited for $5,041.60 and the Health Education Council for $10,000. In addition, CCCTEC will be invoiced $4,045.01 by CDE for a 1 percent oversight fee for 2010–11 per statute. The lack of accounting for these liabilities raises questions about other unknown liabilities.
Table 2: CCCTEC appears to have violated a provision of law (EC Section 47607[c][4]):

<table>
<thead>
<tr>
<th>Concern or Request as Stated in June 27, 2011 Notice of Violation</th>
<th>Summary of CCCTEC Response Submitted July 22, 2011</th>
<th>CDE Analysis of CCCTEC Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCCTEC does not appear to be compliant with EC Section 47605(1), which requires teachers of core subjects to possess an appropriate credential or other document authorizing them to teach the subjects to which they are assigned.</td>
<td>All students were appropriately supervised by an appropriately credentialed teacher in all core classes. CCCTEC has two intern teachers. CCCTEC will work with CDE to clarify staff assignments and matching credentials.</td>
<td>Because the attached credentials were not matched to actual teaching positions or courses, the CDE cannot evaluate whether CCCTEC students were appropriately supervised or instructed.</td>
</tr>
<tr>
<td>Submit evidence of highly-qualified status and proper credentialing for all core teachers employed in the 2010-11 and 2011-12 school years and a detailed plan regarding plans to recruit and hire highly-qualified and properly credentialed teachers for the 2011-12 school year, including master schedules that identify teacher assignments for each course.</td>
<td>CCCTEC attached copies of a number of credentials to its response.</td>
<td>CCCTEC failed to provide a plan to retain and recruit teachers and did not provide master schedules that would identify teacher assignments.</td>
</tr>
</tbody>
</table>
Table 3. Comparison Between Information Submitted by CCCTEC and CDE Information for 2010–11

<table>
<thead>
<tr>
<th>Anticipated Revenue/Outstanding Liability</th>
<th>Per CCCTEC 2010–11</th>
<th>Per CDE 2010–11</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010–11 Revenue to be Paid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Charter Schools Grant Program (PCSGP)</td>
<td>$306,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>SB 740 Charter Facility Grant</td>
<td>$17,000.00</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>Charter School Revolving Loan Fund</td>
<td>$150,000.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Outstanding Liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Apportionment (General Purpose and Categorical Block Grants)</td>
<td>$219,068.00</td>
<td>$219,068.00</td>
</tr>
<tr>
<td>Certificated/Classified Staff Salaries</td>
<td>$90,000.00</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Rent/Lease</td>
<td>$68,948.32</td>
<td>$68,948.32</td>
</tr>
<tr>
<td>PG &amp; E</td>
<td>$59,737.76</td>
<td>$59,737.76</td>
</tr>
<tr>
<td>Carol M. White Physical Education Program Grant</td>
<td>Less than $57,651.00</td>
<td>Up to $269,373.00</td>
</tr>
<tr>
<td>Total Education Solutions</td>
<td>$7,106.81</td>
<td>$7,106.81</td>
</tr>
<tr>
<td>Charter School Accounting</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Department of General Services</td>
<td>$4,290.38</td>
<td>$4,290.38</td>
</tr>
<tr>
<td>School Pathways</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>City of West Sacramento</td>
<td>$1,875.00</td>
<td>$1,875.00</td>
</tr>
<tr>
<td>City of West Sacramento (May and June Services)</td>
<td>$937.25</td>
<td></td>
</tr>
<tr>
<td>Health Education Council</td>
<td>$10,000.00</td>
<td></td>
</tr>
<tr>
<td>Athletics Unlimited</td>
<td>$5,041.60</td>
<td></td>
</tr>
<tr>
<td>California Department of Education (1% Oversight Fee)</td>
<td>$4,045.01</td>
<td></td>
</tr>
<tr>
<td>STRS Payments</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>$473,000.00</td>
<td>$749,423.13</td>
</tr>
<tr>
<td>Net</td>
<td>$(45,614.52)</td>
<td>$(732,423.13)</td>
</tr>
</tbody>
</table>
August 26, 2011

Paul Preston  
Superintendent/CEO and Member of the California College, Career, and Technical Education Center Board of Directors  
California College, Career, and Technical Education Center  
890 Embarcadero Drive  
West Sacramento, CA 95691  
E-mail: paul@ccctec.org

Steve McPherson  
Member of the California College, Career, and Technical Education Center Board of Directors  
890 Embarcadero Drive  
West Sacramento, CA 95691  
E-mail: steve@ccctec.org

Dear Mr. Preston and Mr. McPherson:

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

This letter serves as notification that on September 7, 2011, the State Board of Education (SBE) will consider issuing a Notice of Intent to Revoke and Notice of Facts in Support of Revocation of the California College, Career, and Technical Education Center Charter School (CCCTEC) pursuant to Education Code (EC) 47607(e). If on September 7, 2011, the SBE takes action to issue a Notice of Intent to Revoke and Notice of Facts in Support of Revocation, the SBE will hold a public hearing on September 8, 2011, to consider revocation of the CCCTEC charter.

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

The SBE issued a Notice of Violation dated July 18, 2011, informing the CCCTEC that it may have violated EC Section 47607(c)(3) and (c)(4), and that these violations could be the basis for an action to revoke the CCCTEC charter. On June 22, 2011, CCCTEC was notified in writing regarding the violations alleged in the Notice.

The Notice provided CCCTEC with an opportunity to submit evidence to the SBE by July 22, 2011, that refuted, remedied, or proposed to remedy the alleged violations. CCCTEC was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its July 28, 2011, meeting.

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

Facts relating to EC Section 47607(c)(3) that CCCTEC has failed to meet generally accepted accounting principals or engaged in fiscal mismanagement that may hinder its ability to open and operate in the 2011–12 school year:

CCCTEC has failed to provide a budget and cash flow statement that includes all sources of revenue and liabilities, including, but not limited to, the following items: (a) revenues for the remainder of the current fiscal year and through February 2012; and (b) liabilities for the remainder of the current fiscal year and through February 2012.

- Based on CDE analysis of the materials submitted by CCCTEC on July 22, 2011, CDE is unable to ascertain whether CCCTEC can operate until February 2012. The budget provided by CCCTEC lacked a narrative or sufficient detail to make an accurate analysis, no cash flow statements were provided, and the budget contained information that contradicts information obtained by the CDE.
• CCCTEC presented in its written evidence that it would remedy the cash flow shortage by reapplying for a loan from the Revolving Loan Fund. However, these funds are not guaranteed, and CDE finds no evidence that a new CCCTEC application would provide a sufficient basis to issue a loan.

• CCCTEC also proposed to remedy problems with its attendance accounting and reporting system by contracting with a new vendor and providing training for staff. However, no evidence was included that described the services being contracted or evidence of dates and details of any staff training.

• In response to concerns regarding lack of payment of teachers’ salaries, CCCTEC included in its evidence an assurance that “as funds become available to CCCTEC any past amounts owed to employees will be paid.” However, there is no indication that any funds are available to do so, and no substantiating evidence to indicate how much is actually owed to each teacher.

• Similarly, CCCTEC addresses concerns regarding a lack of payment to Yolo County Office of Education for the California State Teachers Retirement System (CALSTRS) by stating that “as funds become available to CCCTEC any past amounts owed to the State Teachers Retirement System will be paid” and that “CCCTEC has agreed to work with the back office provider to insure [sic] clear communication exists to prevent a repeat of this type of event.” The CDE cannot find any evidence of funds becoming available to enable CCCTEC to make CALSTRS payment. In addition, CDE finds a lack of evidence regarding the relationship between CCCTEC and a back office provider.

• CCCTEC addresses concerns regarding the federal Carol M. White Physical Education Program (PEP) grant findings that require CCCTEC to return PEP grant funds by stating that “CCCTEC feels that with further review of the expenditures the amount identified by the PEP program will again be substantially reduced.” However, all communications as of July 21, 2011, between the CDE and the PEP grant office indicate that there has been no change to the findings. In fact, CCCTEC has become further out of compliance with the requirements of the grant. CCCTEC was not only required to return $57,651 of unallowable expenditures, they were also required to return $269,373 in funding that has not been documented or explained. PEP grant staff also indicated that CCCTEC would not be allowed to draw down year two funds from the PEP grant program. CCCTEC provides no evidence to indicate there has been communication with PEP grant staff or that PEP grant staff have lowered the amounts owed as indicated in their May 31, 2011, monitoring report.
• CCCTEC provides in its evidence that it has receivables available in the amount of $306,000 from the Public Charter Schools Grant Program (PCSGP) that it could sell in order to generate cash flow. However, PCSGP staff issued a letter to CCCTEC dated July 18, 2011, indicating that CCCTEC was out of compliance with the terms of the grant and had until August 1, 2011, to remedy issues raised in the letter. Failure to remedy the issues described would indicate in an invoice being issued to CCCTEC for return of PCSGP funds. In addition, CCCTEC would not be considered in good standing with the PCSGP and would be unlikely to secure an agreement to sell PCSGP receivables.

• CCCTEC submitted documents describing its insurance policies as requested; however no evidence was provided that indicated whether premiums had been paid. An invoice for 2011–12 was provided that showed an amount due of $16,263.88. However, the only indication of any payment is a hand-written note on the invoice that states “PAID $3000.00 7/1/11 owe $13,263.88 for 2011–12.”

• CCCTEC was asked to provide evidence of any outstanding invoices due to vendors. While CCCTEC did provide invoices that had not yet been disclosed to the CDE, CCCTEC did not provide invoices to several vendors that have provided unpaid invoices to the CDE. In addition, CCCTEC provided little to no detail regarding the amounts due to teachers and staff, and no detail regarding a plan to pay past due salary taxes and benefit payments. This lack of evidence increases the CDE’s significant concerns regarding the capacity of CCCTEC to use generally accepted accounting principles to manage its accounts.

**Facts relating to EC Section 47607(c)(4): that CCCTEC may have violated a provision of law, EC Section 47605(l), that requires teachers of core subjects to possess an appropriate credential or other document authorizing them to teach the subjects to which they are assigned:**

CCCTEC has failed to provide evidence of highly-qualified status and proper credentialing for all core teachers employed in the 2010–11 and 2011–12 school years and a detailed plan regarding plans to recruit and hire highly-qualified and properly credentialed teachers for the 2011–12 school year, including master schedules that identify teacher assignments for each course.

• In the evidence submitted by CCCTEC, CCCTEC states that “all students were appropriately supervised with an appropriately credentialed teacher in all core classes” and that “CCCTEC does have 2 teachers who are interns in Fortune School and National University.” As evidence, CCCTEC provides copies of teacher credentials. However, the CDE cannot draw conclusions regarding the appropriateness of the provided credentials, as
no teacher assignments were aligned to them. In addition, no master schedule was provided, so there is no way for CDE to discern how many teachers of core subjects were or will be hired and whether those teachers were properly credentialed.

- CCCTEC also proposes that it will work with the CDE to “clarify staff assignments and show matching credentials with CDE staff in the future including teachers in intern programs.” The CDE finds that this proposal lacks sufficient detail to ensure that credentialing requirements are met. Specifically, the CDE finds that CCCTEC may not understand that enrollment in an intern program does not constitute appropriate credentialing.

Notification of Public Hearing:

Please be advised that should the SBE issue a Notice of Intent to Revoke on September 7, 2011, staff from the CDE will contact you after the Board's action to provide notification of the public hearing on September 8, 2011. You will be notified via e-mail and phone, using the contact information that you have provided the CDE and as specified below;

Paul Preston: paul@ccctec.org; 877-323-8878
Steve McPherson: steve@ccctec.org

You are also encouraged to attend the SBE’s meeting on September 7, 2011, and the possible hearing on September 8, 2011, to present any evidence you deem necessary to assist the SBE in making its decision. You may also watch the SBE’s proceedings online at: http://www.cde.ca.gov/be/ag/ag/sbelivestream.asp.

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

If you have any questions or need any additional information, please contact me at (916) 319-0699 or via e-mail at sburr@cde.ca.gov.

Sincerely,

Susan K. Burr, Executive Director
California State Board of Education
SB:bg

cc: Michael Kirst, President, California State Board of Education
    Tom Torlakson, State Superintendent of Public Schools
    Linda Legnitto, Assistant Superintendent, Yolo County Office of Education
    Judy Cias, Chief Counsel, California State Board of Education
    Amy Holloway, General Counsel, California Department of Education
    Beth Hunkapiller, Director, California Department of Education, Charter
    Schools Division
The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve Local Educational Agency (LEA) Plans listed in Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The 2002 No Child Left Behind (NCLB) provisions of the Elementary and Secondary Education Act (ESEA) of 1965 state in Section 1112(e)(2) 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 California review of initial LEA Plans under the NCLB authorization of ESEA was discussed by the SBE in June and July 2003. In June 2003, the SBE directed CDE staff to assess the relative presence of each of the LEA Plan provisions required by federal law and to avoid adding any additional requirements. Staff from across the CDE was trained to use checklists of the required provisions.

At its July 2003 meeting, the SBE approved the CDE recommendation to approve all 1,040 LEA Plans, 395 of which required additional technical information but which were approved pending submission of additional materials. Since the current LEA Plan process was developed in July 2003, CDE goal reviewers have used the adopted checklists to review initial LEA Plans and the SBE has approved 1,583 LEA Plans.

SUMMARY OF KEY ISSUES

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,
SUMMARY OF KEY ISSUES (Cont.)

coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.

School districts, county offices and direct-funded charter schools submit initial LEA Plans to the CDE as part of the application for ESEA funding. CDE program staff review Plans for compliance with the requirements of the ESEA. Reviews include review of the presence of required goals, planned activities, and proposed timelines to improve student performance in reading and mathematics.

Goals and activities address reading and mathematics, programs for English learner students; professional development and assurance of highly qualified teachers; safe and drug-free school environments conducive to learning; and strategies to improve student graduation rates, prevent dropouts, and promote 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 Plan before recommending approval to the SBE.

Following initial CDE review and SBE approval of initial LEA Plans, federal law requires all LEAs and direct-funded charter schools to periodically review and update their LEA Plans as necessary. California defines this as an annual review and update. Any changes must be approved by an LEA’s local governing board, but routine LEA Plan updates are not submitted to CDE unless the LEA is in Improvement when requirements vary.

Any LEA receiving ESEA funds that fails to make its Adequate Yearly Progress achievement goals or, in the case of Title II, fails to meet Highly Qualified Teacher requirements, becomes subject to improvement. Planning requirements, technical assistance, Plan review by CDE staff, and accountability requirements for LEA performance escalate as LEAs advance in improvement.

The CDE understands that the SBE is interested in strengthening LEA Plans. The SBE has expressed an interest in increasing the rigor of LEA plans now before ESEA is reauthorized. However, in May 2011 conversations with federal Student Achievement and School Accountability officials, CDE was cautioned about changing the standard for the review of initial LEA Plans, absent changing the standard for all LEA Plans. Further, ESEA Section 1112 (d) (2) states that each LEA Plan shall remain in effect for the duration of the agency’s participation in this section of ESEA.

Thus, CDE is disinclined to recommend changes to the initial review of LEA Plans. A future SBE item will address the natural policy opportunities which are available when LEAs fail to make academic achievement targets and advance into Improvement status. In the interim, the CDE is: reviewing its tools for LEA use while in Improvement, aligning them, as appropriate, to support implementation of the Common Core State Standards; conducting professional development on how to write, support, and monitor an effective LEA Plan; and working across ESEA Titles to create more internal coherence within ESEA-funded programs.
FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plan (1 Page)
Direct-Funded Charter Schools Recommended for State Board of Education Approval

<table>
<thead>
<tr>
<th>Local Educational Agency Name</th>
<th>County-District-School Code</th>
<th>Academic Performance Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redwood Preparatory Charter School</td>
<td>12-63016-0124164</td>
<td>None available; opened August 2011</td>
</tr>
<tr>
<td>Team Charter School</td>
<td>39-68676-0124958</td>
<td>None available; opened September 2011</td>
</tr>
<tr>
<td>Tree of Life Charter School</td>
<td>23-65615-6117386</td>
<td>See Attachment 2</td>
</tr>
</tbody>
</table>
### Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval
of Local Educational Agency Plans

**LEA Name:** Tree of Life Charter School  
**CDS CODE:** 23-65615-6117386

<table>
<thead>
<tr>
<th></th>
<th>English-Language Arts</th>
<th>Mathematics</th>
<th>Academic Performance Index (API)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent At or Above Proficient (56.8%)</td>
<td>Met 2010 AYP Criteria?</td>
<td>Percent At or Above Proficient (58.0%)</td>
</tr>
<tr>
<td><strong>Schoolwide</strong></td>
<td>Yes, met 4 of 4</td>
<td>48.6</td>
<td>Yes (CI)</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Asian</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>50.0</td>
<td>**</td>
<td>55.6</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>28.6</td>
<td>**</td>
<td>28.6</td>
</tr>
<tr>
<td>English Learners</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Students with Disabilities</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 “2010 Growth API” score of 680 OR “2009-10 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.
ITEM 5
California State Board of Education

September 2011 Agenda

Subject

Elementary and Secondary Education Act Update: School Improvement Grant: Status of Renewal of Funding for Year 2 of Cohort 1 Fiscal Year 2009 Local Educational Agencies and Schools for the Sub-Grants Under Section 1003(g), and other Elementary and Secondary Education Act Updates as Appropriate.

☐ Action
☐ Information
☐ Public Hearing

Recommendation

The California Department of Education (CDE) recommends that the State Board of Education (SBE) authorize SBE President, Michael Kirst, in conjunction with State Superintendent of Public Instruction, Tom Torlakson, to approve funding for Year 2 of Cohort 1 School Improvement Grant (SIG) contingent on SIG local educational agencies (LEAs) submitting a Corrective Action Plan to address implementation concerns identified during the monitoring and review process.

The CDE also recommends that the SBE approve California’s application for a waiver of the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the SIG program, which requires an LEA to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model.

Summary of Previous State Board of Education Discussion and Action

At its July 2011 meeting, the SBE took action to conditionally renew funding for Year 2 of SIG Cohort 1. Continuation of funding is contingent on each Cohort 1 SIG LEA submitting a Corrective Action Plan to address identified implementation concerns.

Summary of Key Issues

School Improvement Grant Status of Renewal for Funding, Year 2

In response to the SBE’s July 2011 action, the CDE developed a comprehensive timeline for creating Corrective Action Plan documents and providing feedback and technical assistance regarding SIG fiscal and programmatic findings to SIG Cohort 1 sub-grantees. An initial letter was e-mailed to all Cohort 1 sub-grantees, providing a detailed definition of increased learning time (ILT), the timeline for the Corrective Action Plan, and resources to assist with ILT compliance. A copy of the letter is provided as Attachment 1.
CDE staff contacted each Cohort 1 LEA to discuss implementation concerns and reviewed the Corrective Action Plan procedures. The documentation that will be submitted by LEAs as part of the Corrective Action Plan includes:

- Cover Page containing Summary of Findings and Proposed Resolutions
- Corrected Proposed Budget and Budget Narrative
- Revised Implementation Chart
- Signature Page verifying the LEA’s support and understanding of required SIG elements

The Corrective Action Plans address the summary of findings and proposed resolutions that will be made to ensure compliance with the statutory requirements as defined by the U.S. Department of Education (ED). An updated status report for Cohort 1 LEAs and schools will be provided as Attachment 2 in an Item Addendum.

The CDE will review the Corrective Action Plans and provide ongoing technical assistance to each LEA on programmatic and fiscal resolution. Pursuant to SBE action, Cohort 1 Year 2 Grant Award Notifications and funding may not be released until all findings have been addressed.

Through ongoing guidance from the ED and California Comprehensive Center at WestEd, CDE staff are in the process of providing targeted technical assistance via Webinars, establishing an online school turnaround learning community, and developing California state-specific resources for programmatic and fiscal implementation issues.

**Approval of California’s Request to Waive Certain Statutory and Regulatory Requirements of Supplemental Educational Services Pursuant to Title I, Part A of the Elementary and Secondary Education Act**

California has been granted approval of the following two waivers:

- To allow an LEA in Program Improvement or corrective action to be eligible to apply as Supplemental Educational Services (SES) providers, which is currently prohibited by the *Code of Federal Regulations* sections 200.47(b)(1)(iv)(a), and (b).

- To allow an LEA the flexibility to offer SES to eligible students in Title I schools in Year one of Improvement (a year earlier than the law normally requires) in addition to offering public school choice options to students in those schools and to count the costs of providing SES to those students toward meeting an LEAs 20 percent obligation.
SUMMARY OF KEY ISSUES (Cont.)

The July 25, 2011, letter from Michael Yudin, Deputy Assistant Secretary for Policy and Strategic Initiatives, ED, which grants California’s approval for the two waivers, is provided as Attachment 3.

School Improvement Grant Waiver of Timeline to Implement Teacher and Principal Evaluation Systems

The ED has invited states to apply for a waiver of the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the SIG program, which requires an LEA to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model. Those systems must be rigorous, transparent, and equitable and take into account data on student academic growth as a significant factor as well as other factors, such as multiple observation-based assessments of performance, ongoing collections of information on professional practice reflective of student achievement, and increased high school graduation rates. The August 12, 2011, letter from Michael Yudin, Deputy Assistant Secretary for Policy and Strategic Initiatives, ED, inviting requests of a waiver of the timeline to implement teacher and principal evaluation systems for SIG is provided in Attachment 4.

This waiver would permit California, in accordance with criteria the CDE develops, to permit an LEA that is implementing the transformation model in one or more schools to take additional time to develop and implement high-quality evaluation systems that meet these requirements. The waiver would apply only to evaluation systems for Cohort 1 and Cohort 2 SIG schools as follows:

- A school that began implementing the transformation model during the 2010–11 school year (Cohort 1) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–12 school year and, at a minimum, pilot them for all teachers and principals no later than the 2012–13 school year. The piloted systems should be capable of being used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–14 school year.

- A school that begins implementing the transformation model in the 2011–12 school year (Cohort 2) must develop its evaluation systems during that year, pilot them for all teachers and principals during the 2012–13 school year, and use the system in the school, including for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–14 school year.

California’s application for this waiver will be provided as Attachment 5 in an Item Addendum.
Additional Elementary and Secondary Education Act Updates as Applicable

This item will also be used for the purpose of informing the SBE about new or recent developments relating to the Elementary and Secondary Education Act including any updates on the federal review of SIG and Title 1.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no fiscal impact identified at this time.

**ATTACHMENT(S)**

Attachment 1: August 11, 2011, Letter to Fiscal Year 2009 School Improvement Sub-Grantees regarding Conditional Approval of School Improvement Grant Cohort 1 Funding Renewal ( 4 Pages)

Attachment 2: The Cohort 1 Local Educational Agency and School Renewal Corrective Action Plan Status will be provided in an Item Addendum.

Attachment 3: July 25, 2011, Letter from Michael Yudin, Deputy Assistant Secretary for Policy and Strategic Initiatives, U.S. Department of Education, regarding California’s request to waive certain statutory and regulatory requirements (2 Pages)

Attachment 4: August 12, 2011, Letter from Michael Yudin, Deputy Assistant Secretary for Policy and Strategic Initiatives, U.S. Department of Education, inviting requests of a waiver of the timeline to implement teacher and principal evaluation systems for School Improvement Grant (3 Pages)

Attachment 5: Draft Letter to Michael Yudin, Deputy Assistant Secretary for Policy and Strategic Initiatives, U.S. Department of Education, requesting a waiver of the timeline to implement teacher and principal evaluation systems will be provided in an Item Addendum.
The file
is a secure document that has been embedded in this document. Double click the pushpin to view.
Deborah V. H. Sigman  
Deputy Superintendent  
California Department of Education  
1430 N Street  
Sacramento, California 95814

Dear Ms. Sigman:

I am writing in response to California’s requests to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. After reviewing California’s requests, I am pleased to grant the following waivers:

- Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers. I am granting a one-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to permit California to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2011–2012 school year.

- Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward an LEA’s 20 percent obligation. I am granting a one-year waiver of ESEA section 1116(b)(10) and 34 C.F.R. § 200.48 to permit an LEA in California to offer SES in addition to public school choice to eligible students in Title I schools in the first year of school improvement and to count the costs of providing SES to these students toward the LEA’s 20 percent obligation under 34 C.F.R. § 200.48.

These waivers are granted on the condition that California will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of each of the waivers to the Department by September 30, 2012. Please be sure to review the enclosure carefully.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Sharon Hall of my staff at sharon.hall@ed.gov or (202) 260-0998.

Sincerely,

Michael Yudin  
Deputy Assistant Secretary for Policy and Strategic Initiatives

400 MARYLAND AVE, S.W. CALIFORNIA, D.C. 20202  
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.
CONDITIONS ON TITLE I, PART A WAIVERS

Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers (34 C.F.R. § 200.47(b)(1)(iv)(A) and (B))

This waiver is granted on the condition that California will submit to the Department, by September 30, 2012, a report that includes:

- The total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2011–2012 school year; and
- The total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2011–2012 school year.

Offering SES in addition to public school choice in the first year of improvement and counting the costs of both toward the 20 percent obligation (ESEA section 1116(b)(10); 34 C.F.R. § 200.48)

This waiver is granted on the condition that California will:

- Ensure that each LEA taking advantage of the waiver complies with all other statutory and regulatory requirements related to SES for the 2011–2012 school year; and
- Submit to the Department, by September 30, 2012, a report that provides the name and NCES District Identification Number for each LEA taking advantage of the waiver.
Dear Chief State School Officer:

I am writing to address an issue regarding the full and effective implementation of the transformation model in your State’s persistently lowest-achieving schools under the School Improvement Grants (SIG) program. Several States have reported, and U.S. Department of Education (Department) monitoring visits have confirmed, that it has been difficult for many transformation schools to implement high-quality teacher and principal evaluation systems as quickly as required in the SIG final requirements and that there is a need for extra time for implementation in some situations.

As you know, one of the most critical components of the transformation model is rigorous, transparent, and equitable evaluation systems for teachers and principals. These systems must take into account data on student academic growth as a significant factor, as well as other factors, such as multiple observation-based assessments of performance, ongoing collections of information on professional practice reflective of student achievement, and increased high school graduation rates. Under the SIG final requirements, districts must develop these evaluation systems during the first year of implementing the transformation model.

I cannot emphasize enough the key role of high-quality teacher and principal evaluation systems in supporting improved teaching and learning in all schools, and particularly in persistently lowest-achieving schools. At the same time, I recognize that many districts are approaching this work for the first time. Without previous groundwork and investment, developing high-quality, comprehensive evaluation systems may take more time than initially contemplated under the SIG final requirements. For this reason, an extended timeline for developing and implementing such systems may be appropriate for some schools in the first two SIG cohorts (those that began full implementation of the transformation model in the 2010–2011 school year and those that will begin full implementation in the 2011–2012 school year).

For these reasons, I am inviting States to apply for a waiver to permit them to allow, in accordance with criteria they develop, a local educational agency (LEA) that is implementing a transformation model with SIG funds to take additional time to meet the requirement in Section I.A.2(d)(1)(i)(B) of the SIG final requirements. The waiver would apply only to evaluation systems for cohort 1 and cohort 2 schools as follows:

- A school that began implementing the transformation model during the 2010–2011 school year (cohort 1) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–2012 school year and, at a minimum, pilot them for all teachers and principals no later than the 2012–2013 school year. The piloted systems should be capable of being
used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

- A school that begins implementing the transformation model in the 2011–2012 school year (cohort 2) must develop its evaluation systems during that year, pilot them for all teachers and principals during the 2012–2013 school year, and use the system in the school, including for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

To receive this waiver, a State must submit a request to the Department that addresses the requirements in section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. We are enclosing a template to assist States in submitting their request. The template includes the assurances that each State requesting the waiver must provide. For example, to receive the waiver, the State must assure that it will develop criteria to evaluate whether an LEA has demonstrated a sufficient level of commitment to, and progress in, implementing principal and teacher evaluation systems for its cohort 1 or cohort 2 schools to justify the receipt of a timeline waiver and to evaluate whether, if an extension is granted, the LEA’s affected schools will be able to meet the timelines described above for developing and implementing the evaluation systems. To assist States in developing their criteria, we are enclosing suggested guiding questions that can help differentiate among LEAs that have met the requirement, those that are making sufficient progress, and those that have not made a good-faith effort and, therefore, do not merit additional time to meet the teacher and principal evaluation system requirements of the SIG transformation model.

Within 30 days of receiving the waiver from the Department, the State must post its process, criteria, and timeline for approval of LEA requests to implement the waiver on its public Web site. The State must also (a) develop a technical assistance and support plan that outlines how the State will differentiate support to its LEAs based on their current level of implementation and (b) provide LEAs with the assistance they need in meeting the evaluation system requirements. Similarly, the State must develop a plan for the 2011–2012 school year, or update its existing plan, to monitor those LEAs that are approved to implement the waiver in order to ensure that they are on track to full implementation of teacher and principal evaluation systems as outlined above. In addition, within 30 days of approving an LEA’s extension request, the State must post on its Web site and submit to the Department a list that includes (1) the LEAs (including their NCES district identification number) that it has approved to implement the waiver, (2) the schools (including their NCES school identification number) within those LEAs that are implementing the transformation model, and (3) an identification of the cohort within which each school falls.

To assist States in helping LEAs develop and implement strong teacher and principal evaluation systems, the Department plans to provide technical assistance over the next few months. The Department recently launched the School Turnaround Learning Community (STLC), which will be a platform for resource-sharing and ongoing support for States, LEAs, and schools (www.schoolturnaroundsupport.org). On July 29, the Department launched a four-part webinar series, via the STLC, on teacher evaluation system implementation. The next webinar, which is
targeted to both SEAs and LEAs, will be held on August 12 and will focus on Selecting Evaluation Measures. In addition, the Department’s National Comprehensive Center for Teacher Quality has just released *A Practical Guide to Designing Comprehensive Teacher Evaluation Systems* (http://www.tgsource.org/practicalGuide/) and the Reform Support Network recently released *Great Teachers and Leaders: State Considerations on Building Systems of Educator Effectiveness* (http://www2.ed.gov/programs/racetothetop/great-teachers.doc). The Department will continue to provide support on this topic via the STLC and through its comprehensive centers. Let us know if there are additional ways the Department can be helpful on this and other topics of interest.

For additional information about the general requirements for waiver requests under section 9401 of the ESEA, please consult Section A of the Department’s Non-Regulatory Guidance on Title I, Part A Waivers (July 2009) (available at: http://www2.ed.gov/policy/gen/leg/recovery/programs.html).

I encourage you to submit your waiver request by August 26, 2011, in order for the Department to respond in time for your affected LEAs to develop their systems with a clear understanding of what is required of them during the 2011–2012 school year. If you have any questions or need additional information as you prepare your waiver request, please contact Carlas McCauley at carlas.mccauley@ed.gov or (202) 260-0824.

Sincerely,

Michael Yudin  
Acting Assistant Secretary

Enclosures
ITEM 6
SUMMARY OF THE ISSUES
On August 18, 2011, the California Department of Education (CDE) was awarded approximately $290 million to administer the federal Public Charter Schools Grant Program (PCSGP) for the 2010–15 grant cycle. This item presents two separate and urgent issues related to the administration of the PCSGP as follows:

1. Compliance with PCSGP Application Assurances
On August 11, 2011, the federal Department of Education (DOE) notified the CDE that it is partially out of compliance with Assurance 3A and completely out of compliance with Assurance 3B in the PCSGP grant application because increases in pupil academic achievement in all groups of pupils as described in Section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act (ESEA) is not the “primary consideration” in the approval, renewal, and revocation of California charter schools.

2. PCSGP Grant Awards
On August 23, 2011, the CDE was provided new information, regarding the August 11, 2011 PCSGP revised grant award notification and reductions in PCSGP awards to California for fiscal years (FYs) 2010–11 and 2011–12.

RECOMMENDATION
1. Compliance with PCSGP Application Assurances
The CDE recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate, including, but not limited to, the following:

   a) Supporting legislation and any necessary regulatory action to bring California into compliance with Assurances 3A and 3B; and

   b) Directing the CDE to bring proposed revisions to the California Code of Regulations, Title 5 (5 CCR) Section 11968.5 relating to the revocation of charter schools to the SBE for consideration at its November 2011 meeting.
2. PCSGP Grant Awards
The CDE recommends that the SBE take action as deemed necessary and appropriate, including, but not limited to, directing the CDE to request further information and details from the DOE regarding the funding formulas used to determine PCSGP grant awards.

BRIEF HISTORY OF KEY ISSUES

1. Compliance with PCSGP Application Assurances
In October of 2010, the CDE was notified by the DOE that it was not compliant with the following element of Assurance 3A and not compliant with the entirety of Assurance 3B of the PCSGP application that require that —

3A) Each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that … demonstrates improved student academic achievement; and

3B) Authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, as the most important factor when determining to renew or revoke a school’s charter.

Details regarding the DOE’s concerns are provided as Attachment 1. The CDE Charter Schools Division provided a formal written response regarding Assurances 3A and 3B to the DOE in a letter dated November 1, 2010. On March 31, 2011, the CDE received an e-mail from the DOE indicating that California was not fully compliant with Assurances 3A and 3B and had not submitted a plan and timeline describing the state’s progress in addressing the assurances. On May 23, 2011, the CDE Charter Schools Division (CSD) responded with a follow-up e-mail addressing the assurances. However, the CDE received an e-mail from the DOE on May 24, 2011, indicating that these responses were considered insufficient in addressing the lack of state law, regulation, or policy relative to Assurances 3A and 3B.

Since that time, the CSD has participated in a number of calls with DOE staff regarding the assurances and CDE’s work with California legislative staff to revise state law regarding charter authorization, renewal, and revocation.

On August 11, 2011, the CDE received formal notice from the DOE that the CDE must either provide evidence of state law, regulation, or other policy that addresses compliance with Assurances 3A and 3B or provide a written plan of action to the DOE that addresses compliance by September 1, 2011. If a plan is submitted, it must be approved by the DOE and enacted by January 31, 2012. Failure to comply with these requirements will result in the DOE taking action, which may include withholding of grant funds, placing the grant on a cost reimbursement system of payment, terminating the grant, or initiating a recovery of funds proceeding.
The CDE recommends that the SBE support the development of legislation, regulation, or policy to address the DOE’s findings and to ensure full funding of the PCSGP grant award. Proposed legislation would need to revise Education Code (EC) sections 47605, 47605.6, and 47607 to make increases in academic achievement for pupils in all numerically significant groups the most important factor when considering approval, renewal, or revocation of a charter petition.

As an additional remedy to California’s lack of full compliance with Assurances 3A and 3B, the CDE recommends that the SBE direct the CDE to start the rulemaking process to revise 5 CCR Section 11968.5. This section of regulation provides that the State Superintendent of Public Instruction shall identify and notify the SBE of each charter school that warrants action to revoke pursuant to EC Section 47604.5(c). Current regulations identify charter schools that have met the following criteria:

1. Been in operation five years or more,
2. Not qualified for the Alternative School Accountability Model; and
3. Received a statewide rank of 1 on Academic Performance Index (API) base data for the previous two years and not made cumulative API growth of at least 50 points over the previous three API cycles.

The DOE found that the current regulations apply only to charter schools in the lowest decile ranking and do not ensure that increases in pupil academic achievement in all groups are the most important factor in revocation decisions for all charter schools.

Therefore, the CDE recommends that these regulations be revised to ensure that all charter schools are accountable for the increased academic achievement of all pupils served and that California continue to receive PCSGP funds to support high quality charter schools.

2. PCSGP Grant Awards

On August 18, 2010, the CDE received a grant award notification that awarded $42.5 million in FY 2010–11 and an additional $9.2 million that was described as a deferral of funds from FY 2010–11 to FY 2011–12. The CDE was directed to spend the $9.2 million in 2011–12 and to track it separately from other 2011–12 funds.

On August 11, 2011, the CDE received a revised PCSGP grant award notification letter from the DOE that included reductions in funding for FYs 2010–11 and 2011–12 (Table 1).

On August 23, 2011, via phone conference, the CDE received further information and clarification from the DOE regarding the reductions in the PCSGP awards. This information included that $9.2 million previously described to the CDE as a deferral from FY 2010–11 to FY 2011–12 was actually a reduction to the 2010–11 grant award. The DOE stated that this reduction was due to the DOE lowering the estimate for the number of schools funded in FY 2010–11 from the number in the original CDE application.
During the same phone conference, the DOE stated that the $9.2 million that was awarded to the CDE during FY 2010–11 was considered by the DOE to be forward funding for FY 2011–12. Prior to this phone conference, the CDE had understood that this amount had been a deferral of funds, rather than a reduction of funds, from FY 2010–11.

### Table 1. Public Charter Schools Grant Program Grant Award Notification: Based on Information Received August 24, 2011

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<tbody>
<tr>
<td>Original August 2010 Grant Award</td>
<td>51.770</td>
<td>51.596</td>
<td>60.866</td>
<td>63.252</td>
<td>63.271</td>
</tr>
<tr>
<td>Revised August 2011 Grant Award</td>
<td>42.525</td>
<td>40.178</td>
<td>60.866</td>
<td>63.252</td>
<td>63.271</td>
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<tr>
<td>Amount “Forward Funded”</td>
<td>(9.245)</td>
<td>9.245</td>
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<tr>
<td>Actual Amount Received</td>
<td>42.525</td>
<td>49.423</td>
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<tr>
<td>Difference Between Original and Revised Grant Award</td>
<td>(9.245)</td>
<td>(2.173)</td>
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</table>

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

#### Revocation Regulations

The SBE approved the rulemaking package to adopt 5 CCR Section 11968.5 at its November 2010 meeting. These regulations were filed by the Office of Administrative Law on January 14, 2011, and became operative on February 13, 2011. This section of regulation, along with relevant law, is provided as Attachment 3.

#### FISCAL ANALYSIS (AS APPROPRIATE)

1. Compliance with PCSGP Application Assurances

   The CDE was awarded approximately $290 million for the 2010–15 PCSGP grant cycle. If no action is taken, the CDE is at risk of permanently losing some or all of this grant award.

2. PCSGP Grant Awards

   The reduction of PCSGP grant awards reduces the number of grants that the CDE can award to eligible charter schools by 22 schools in the 2011 – 12 school year. In addition, ESEA Section 5204(f)(4) authorizes a state educational agency to reserve not more than 5 percent of the grant funds for administrative expenses. The reduction to CDE's State Operations Budget as a result of the $11.4 million reduction is $570,879.
ATTACHMENTS


Attachment 2: Chronology of California Department of Education Responses Regarding Assurances 3A and 3B of the Public Charter Schools Grant Program Application (2 Pages).

Attachment 3: Chronology of California Department of Education Responses Regarding the Public Charter Schools Grant Program Award Funding (2 Pages).

Attachment 4: Relevant Charter Revocation Law and Regulation: Education Code Section 47604.5 and California Code of Regulations, Title 5, Section 11968.5 (3 Pages)
### Chronology of California Department of Education Responses Regarding Assurances 3A and 3B of the Federal Public Charter Schools Grant Program Application

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>August 18, 2010</td>
<td>The California Department of Education (CDE) received federal Public Charter Schools Grant Program (PCSGP) grant award notification.</td>
</tr>
<tr>
<td>October 2010</td>
<td>The CDE was informed that California’s authorization, renewal, and revocation laws were inadequate relative to Assurances 3A and 3B of the PCSGP application.</td>
</tr>
<tr>
<td>November 1, 2010</td>
<td>The CDE Charter Schools Division (CSD) sent a response letter regarding Assurances 3A and 3B to the Department of Education (DOE). This letter described current law and regulation regarding charter authorization, renewal, and revocation as it pertained to the assurances.</td>
</tr>
<tr>
<td>December 2010</td>
<td>Beth Hunkapiller, Director of the CDE CSD, attended a meeting for PCSGP state educational agency directors at the DOE and discussed Assurances 3A and 3B with DOE staff.</td>
</tr>
<tr>
<td>March 31, 2011</td>
<td>The DOE replied via e-mail that the CSD’s November 1, 2010, response to concerns with Assurances 3A and 3B was insufficient.</td>
</tr>
<tr>
<td>May 23, 2011</td>
<td>The CSD sent an e-mail to the DOE responding Assurances 3A and 3B. This response provided further clarification regarding the State’s accountability system and charter renewal and revocation law; newly enacted regulations regarding charter revocation; and pending renewal legislation that CDE was attempting to influence to reflect the assurances.</td>
</tr>
<tr>
<td>May 24, 2011</td>
<td>The DOE responded via e-mail that the CSD May 23, 2011, response was partially compliant with Assurance 3A and noncompliant with Assurance 3B.</td>
</tr>
</tbody>
</table>
• June 14 and July 2011  Ms. Hunkapiller and DOE staff exchanged phone calls regarding CDE’s efforts to influence charter renewal legislation to reflect Assurance 3B.

• August 11, 2011  The CDE received a new PCSGP Grant Award Notification that included formal notice regarding lack of compliance with Assurances 3A and 3B. This award notification included special terms and conditions that required the CDE to respond by September 1, 2011, with either evidence of compliance or a written plan to comply by September 1, 2011. In addition the terms specify that failure to comply or have a plan approved by the DOE by January 30, 2012, will result in action, which may include but not necessarily be limited to, withholding of grant funds, placing the grant on a cost reimbursement system of payment, terminating the grant, or initiating a recovery of funds proceeding.

• August 17, 2011  CDE staff, including Ms. Hunkapiller and Ms. Alcalá, participated in a conference call with DOE staff to request clarification about the August 11, 2011, grant award relative to Assurances 3A and 3B.

• August 23, 2011  The CDE and State Board of Education staff had a phone conference with DOE staff to clarify requirements of Assurances 3A and 3B. The CDE requested examples of law, regulation, or policy enacted by other states that were compliant with the assurances.
Chronology of California Department of Education Responses Regarding the Public Charter Schools Grant Program Award Funding

- **August 18, 2010**
  The California Department of Education (CDE) received federal Public Charter Schools Grant Program (PCSGP) grant award notification that specified funding for fiscal year (FY) 2010–11 of $51,769,620; FY 2011–12 of $51,596,028; and FY 2012–13 of $60,866,275. On the “Special Terms and Conditions” page, the award states: “The FY 2010 grant award includes funding in the amount of $42,525,000 for FY 2010 and $9,244,620 for FY 2011. The grantee must track these funds separately for each of the two years. An additional $51,596,028 will be awarded for FY 2011.”

- **September 24, 2010**
  The CDE received a revised grant award notification that specified amounts for FYs 2010–11, 2011–12, and 2012–13 that matched the August 18, 2010 grant award notification. The September 24, 2010, grant award also included specifications for FY 2013–14 funding of $63,252,158 and FY 2014–15 funding of $63,271,073. There were no special terms or conditions provided.

- **May 23 – June 14, 2011**
  Lupita Cortez Alcala, CDE Deputy Superintendent, and DOE staff exchanged e-mails regarding clarification of the 2010–11 funding awards.

- **June 14, 2011**
  An e-mail from DOE staff referenced a revised grant award notification from November 1, 2010. CDE staff replied on the same day indicating that CDE had never received a November revision. DOE staff replied that CDE would be sent a copy of that revision. (The CDE did not receive a revised grant award notification until August 11, 2011.)

- **August 11, 2011**
  The CDE received a revised PCSGP Grant Award Notification that included reduced award amounts for FYs 2010–11 and 2011–12 and formal notice regarding lack of compliance with Assurances 3A and 3B. The award notification contained a notification signed by the DOE on July 29, 2011,
that reduced the FY 2011–12 amount from $51,596,028 to $40,178,454 and a notification signed by the DOE on August 4, 2011, that showed reduced the FY 2012–13 amount from $60,866,275 to $30,014,848.

• August 23, 2011

The CDE and State Board of Education staff had a phone conference with DOE staff to clarify reductions to the PCSGP grant award. During this phone call, the CDE was informed that the compliance issues were unrelated to the funding reductions. Rather, the CDE was informed that the cuts were due to the fact that the DOE found CDE’s estimates of the number of charter schools to be served in the first two years of the grant award to be high and that the DOE made an adjustment to what they considered a “reasonable” estimate. The DOE also stated that the $9.2 million from FY 2010–11 that was to be tracked separately and spent in FY 2011–12 represented forward funding for 2011–12, not a deferral. In addition, the DOE clarified that the reduction for FY 2012–13 represented an error, and that the FY 2012–13 award had not been reduced.
Relevant Charter Law and Regulation:

*Education Code Section 47604.5 and California Code of Regulations, Title 5, Section 11968.5*

**Education Code Section 47604.5**
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.

**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 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.
Authorizer Assurances

U.S. Department of Education
Office of Innovation and Improvement
Charter Schools Program
August 10, 2011
Objectives

- Learn about:
  - Assurances Background
  - Scope and Application of the Assurances
  - How ED/CSP is Reviewing and Evaluating Evidence
- Provide:
  - Examples of Acceptable Evidence
  - Update of States’ Compliance
- Understand
  - Timeline for Compliance
  - Consequences for Non-Compliance
CSP Team Member Participants

Stefan Huh
Director, Charter Schools Program
Office of Innovation and Improvement

Erin Pfeltz
Program Officer, Charter Schools Program
Office of Innovation and Improvement

Cathy Grimes-Miller
Program Attorney, Charter Schools Program
Office of the General Counsel

Leslie Hankerson
Program Officer, Charter Schools Program
Office of Innovation and Improvement

LaShawndra Thornton
Program Officer, Charter Schools Program
Office of Innovation and Improvement
Background and History

Q: Where did these Assurances come from?
A: 2010 Appropriations Language:

Consolidated Appropriations Act 2010,
Division D, Title III
Public Law 111-117
Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a **legally binding charter or performance contract** between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and **independent audits** of the school’s financial statements that are filed with the school’s authorized public chartering agency; and **demonstrate improved student academic achievement**; and (2) authorized public chartering agencies use **increases in student academic achievement for all groups of students** described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to **renew or revoke a school’s charter**.
New SEA Assurances

- For the FY 2010 CSP SEA Grant Competition, ED added this requirement to the required Assurances, as Assurances 3A and 3B.
- The CSP Team contacted SEAs during Fall 2010 to request evidence.
- The Assurances were also included in the FY 2011 CSP Grant Application requirements.
3. State law, regulations, or other policies in the State where the applicant is located require that –

A. Each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and

B. Authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.
Which Grants have we applied these Assurances to thus far?

<table>
<thead>
<tr>
<th>Program</th>
<th>Required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2011 CSP SEA Competition Grantees (2 Total)</td>
<td>YES</td>
</tr>
<tr>
<td>FY 2010 CSP SEA Competition Grantees (12 Total)</td>
<td>YES</td>
</tr>
<tr>
<td>FY 2009 (or earlier) CSP SEA Competition Grantees</td>
<td>No</td>
</tr>
<tr>
<td>Replication and Expansion</td>
<td>No</td>
</tr>
<tr>
<td>CSP Grants to Non-SEA Eligible Applicants</td>
<td>No</td>
</tr>
<tr>
<td>Credit Enhancement Grantees and Subrecipients</td>
<td>No</td>
</tr>
<tr>
<td>State Facilities Incentive Grantees</td>
<td>No</td>
</tr>
</tbody>
</table>
FY 2010 SEAs Impacted

- Arkansas
- Colorado
- Georgia
- Michigan
- New Hampshire
- South Carolina
- California
- District of Columbia
- Indiana
- Missouri
- Rhode Island
- Texas
Compliance Options

• Legislation

• Regulation

• Policy
Compliance Elements

- Charter or Performance Contract
- Independent Audit
- Improved Student Academic Achievement
- Renew/Revocation Decisions – Increases in Student Academic Achievement as Most Important Factor
What are we looking for under each element?

Charter or Performance Contract:
Must submit evidence demonstrating that charter schools in the state operate under a legally binding contract with the authorizer that describes the responsibilities and obligations of the school and authorizer.
Results

- Of 12 States, 9 were Compliant, 3 were Non-Compliant.

- All of the Compliant states provided excerpts from their state code which defined the performance contract between charter schools and their authorizer and outlined the required provisions for the agreement.

- The 3 Non-Compliant States generally did not provide adequate documentation for ED to reach a conclusion regarding compliance.
What are we looking for under each element?

Independent Audit:

- Must demonstrate that charter schools are required to conduct annual, timely, and independent audits of their financial statements which are filed with their public chartering agency.

- Independent means an external auditor, conducting a financial audit.
Results

- 7 SEAs were deemed Compliant, 5 Non-Compliant
- Of the 7 Compliant SEAs, 6 provided evidence from their charter law/state code
- 1 Compliant SEA could not demonstrate initially that all charter schools had to undergo independent audits, but they cured this through a letter to all authorizers and charter schools clarifying that all charters must undergo an audit, and this requirement will be included in their state’s updated resource guide for financial accountability.
- Of the 5 Non-Compliant states, 2 did not provide adequate evidence to evaluate compliance, and 3 could not demonstrate that the audit was independent (as well as annual, in one case).
What are we looking for under each element?

Charter Schools Demonstrate Improved Academic Achievement for all Students:

- Must provide evidence that authorizers require charter schools to demonstrate improved academic achievement for all students.

- Adequate evidence included written documentation of a state requirement that the goals in a school’s charter include improved academic achievement.
Results

- 5 SEAs were deemed Compliant, 2 have legislation pending, and 5 were deemed Non-Compliant.

- All of the Compliant states provided evidence from their charter law/state code, and 1 also provided evidence of state policy.
What are we looking for under each element?

Increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter:

- For all groups: economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency.

- We interpret “Most Important” to mean an absolute requirement for all charter schools, although there may be other factors considered.

- This does prevent State Law from permitting authorizers to decline a renewal or to revoke a charter for other reasons, including, but not limited to material violation of law, violating other terms of a charter, financial insolvency, student safety, etc.
Results

- 4 SEAs were deemed Compliant, 3 have legislation pending, and 5 were deemed Non-Compliant.

- All 4 Compliant SEAs provided evidence from their charter law/state code, and 1 also provided evidence of authorizer policy.

- In the case of one state, state law requires improved academic achievement, but it does address how that is considered in renewal and revocation decisions. That state is issuing new termination process guidance to clarify that this is the most important factor.
Special Terms and Conditions

The U.S. Department of Education (ED) has determined that, as of August 1, 2011, ____________________________ (insert grantee) (PR/Award number UI282A1000__) is not in compliance with the following requirements of the Charter Schools Program (CSP):

State law, regulations, or other policies in the State where the applicant is located require that –

A) Each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and

B) Authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

[Consolidated Appropriations Act, 2010 (P.L. 111-117), 2010 CSP State educational agencies (SEA) assurances]

On or before September 1, 2011, ____________________________ (insert grantee) must submit to ED a written plan of action for meeting the requirements described above on or before January 31, 2012. The SEA’s plan is subject to ED approval. Failure to submit a plan by September 1, 2011, to have the plan approved by ED by October 1, 2011, or to comply with the requirements described above by January 31, 2012, will result in the Department initiating appropriate enforcement action, which may include, but will not necessarily be limited to, withholding grant funds, placing the grant on a cost reimbursement system of payment, termination of the grant, or recovery of funds.
Compliance Timeline
For 2010 Grantees

September 1, 2011: Written plan of action

October 1, 2011: ED approval

January 31, 2012: Compliance
Noncompliance

Withholding Funds
Cost Reimbursement
Grant Termination
Recovery of Funds
Other Appropriate Enforcement Action
Questions?
ITEM 7
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

SUBJECT

New West Charter Middle School: Consideration of Petition to Renew Charter Currently Authorized by the State Board of Education.

RECOMMENDATION

The California Department of Education (CDE) and The Advisory Commission on Charter Schools (ACCS) recommends the State Board of Education (SBE) hold a public hearing regarding the charter renewal petition for New West Charter Middle School (NWCMS) and renew NWCMS charter for a five-year term beginning July 1, 2012, and ending June 30, 2017.

If approved, the CDE recommends the SBE incorporate the following provisions in its approval action:

- The SBE 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, Education Code (EC) Section 47605(b)(5)(A) and 5 CCR 11967.5.1(f)(1)(F): The CDE recommends a technical amendment to the NWCMS charter petition to include an educational program that commits to narrowing the achievement gap between socioeconomically disadvantaged and non-socioeconomically disadvantaged pupils.
  - Racial and Ethnic Balance, EC Section 47605(b)(5)(G) and California Code of Regulations, Title 5 (5 CCR) Section 11967.5.1(f)(7): The CDE recommends a technical amendment to the NWCMS charter petition to require submission of an annual report to the CDE addressing the outreach plan to ensure racial and ethnic balance reflective of Los Angeles Unified School District (Los Angeles USD) District 3 schools. This report should be submitted by October 31 of each year and contain demographic information about pupils who applied, pupils who were
selected in the lottery process, and pupils who enrolled in the school. If in any year progress is not made toward achieving racial and ethnic balance, this report should also include specific, measurable goals and activities that the school will implement before the next application period and lottery determination.

- Admission Requirements, EC Section 47605(d)(2): The CDE recommends a technical amendment to the NWCMS charter to ensure that the admission requirements comply with applicable federal and state laws, specifically EC Section 47605(d)(2), which requires admission preference be given to returning students and pupils of the local school district as well as pupils who qualified for free and reduced lunch in their prior school. The CDE also recommends and NWCMS has agreed to a technical amendment to revise the admission packet to include only necessary information for the student to be in the lottery for admission (i.e. name, address, current school, and parent information). All other information including student test scores, report cards, student work will be gathered once a student is admitted to NWCMS. (See Attachment 6.)

- Suspension and Expulsion Procedures, 5 CCR 11967.5.1(f)(10): The CDE recommends technical amendments to the petition to meet the requirements of 5 CCR 11967.5.1(f)(10)(D), ensuring that NWCMS review non-charter school lists of offenses and procedures in preparing their list. Additionally, NWCMS needs to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically in accordance with 5 CCR 11967.5.1(f)(10)(E)(2).

- Public School Attendance Alternatives, EC Section 47605(b)(5)(L): The CDE recommends a technical amendment to the NWCMS petition to ensure that the parents of NWCMS students are informed that a pupil has no right to admission in a particular school of any local education agency (LEA) as a consequence of enrollment in NWCMS, except to the extent that such a right is extended by the LEA.

- Dispute Resolution Procedures, EC Section 47605(b)(5)(N): The CDE recommends a technical amendment in the NWCMS petition to reflect that the SBE is not an LEA and therefore may choose to resolve a dispute directly instead of pursuing the dispute resolution process proposed in NWCMS’s petition. Additionally, the petition must describe how the costs of the dispute resolution process, if needed, would be funded.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the institution in 1992 of Education Code (EC) Section 47605, which provided for the establishment of charter schools and a process that allowed charter schools that were denied by their local governing authorities to appeal to the SBE for authorization, 78 charter petitions have been submitted to the CDE for consideration on appeal after local denial. Of these 78 petitions, 30 were withdrawn before being scheduled for SBE consideration. Of the remaining 48 appeal petitions, the SBE took the following actions:

- 29 charter schools were authorized by the SBE
- 9 petitions were denied by the SBE
- 1 petition was considered without formal action of the SBE
- 5 petitions were withdrawn by the petitioners prior to SBE action
- 4 petitions are under CDE review for future SBE consideration

Of the 29 charter schools that have been authorized on appeal by the SBE since 1992, 19 SBE-authorized charter schools are currently operating. Ten SBE-authorized charter schools are no longer under SBE oversight due to the following reasons:

- 5 charter schools were renewed by their local districts
- 4 charter schools were abandoned
- 1 charter school was revoked by the SBE

The SBE has considered and approved 8 renewal petitions from SBE-authorized charter schools and is considering one renewal at its September 2011 meeting.

Since January 2011, the SBE has considered and renewed one SBE-authorized charter school and has not considered any new charter appeals. The terms of 2 SBE-authorized charter schools will expire on June 30, 2012. If either of these charter schools is denied renewal by its local district, the school will have the opportunity to appeal the nonrenewal to the SBE during the 2011–12 school year.

Since the institution in 2002 of EC Section 47605.8, which provided for the establishment of statewide benefit charter schools, 4 petitioners have submitted statewide benefit charter petitions to the CDE for consideration. Of these 4 petitions, the SBE took the following actions:

- 3 statewide benefit charter petitions were authorized by the SBE
- 1 statewide benefit charter petition was considered and action was postponed; the petitioner did not resubmit the charter petition

The 3 statewide benefit charter petitions currently authorized by the SBE operate a total of 13 schools. To date, none of the statewide benefit charter petitions has been considered for renewal.
Since January 2011, the SBE has considered and approved one material amendment of a statewide benefit charter. The SBE is due to consider the renewal of 2 of these petitions during the 2011–12 school year.

Since the institution in 1992 of EC Section 47606, which provided for the establishment of districtwide charters, 12 districtwide petitions have been submitted to the CDE for consideration. Pursuant to EC Section 47606, these petitions must be approved by joint action of the State Superintendent of Public Schools (SSPI) and the SBE. Of the 12 petitions submitted, 1 was withdrawn by the district before consideration by the SBE and the SSPI. Of the remaining 11 petitions, the SBE and the SSPI took the following actions:

- 9 districtwide charters were authorized by the SBE and the SSPI
- 2 districtwide charters were denied by the SBE and the SSPI

One districtwide charter was non-renewed by the SBE and the SSPI. The 8 remaining districtwide charter petitions currently operate a total of 18 schools. The SBE and the SSPI have considered 18 and approved 17 renewal petitions from districtwide charters.

Since January 2011, the SBE and the SSPI have considered and approved one districtwide charter petition. No districtwide petitions are due for renewal in the 2011–12 school year.

SUMMARY OF KEY ISSUES

Pursuant to EC Section 47605(j), petitioners for a charter school that have been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions. In 2001, the SBE approved NWCMS to operate under the oversight of the SBE for a five-year charter term, which began in fall 2002. In 2007, the SBE approved the renewal of NWCMS charter for a five-year term, from July 1, 2007, through June 30, 2012.

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.

The NWCMS charter renewal petition was denied by the Los Angeles USD governing board on February 1, 2011. Pursuant to EC Section 47605(k)(3), NWCMS submitted its petition for renewal to the SBE on February 18, 2011. The Los Angeles USD reasons for denial are summarized in the CDE report (see Attachment 2) and are included in full as Attachment 4 of this item.
In its findings, the Los Angeles USD describes three general reasons for denial. First, the Los Angeles USD recommended denial on the basis that the petitioners were demonstrably unlikely to successfully implement the program set forth in the petition.

Second, the petition did not include the required affirmations EC Section 47605(b)(4). The third reason for denial was due to the petition’s failure to contain reasonably comprehensive descriptions of the items required by EC Section 47605(b)(5).

On a recent visit the CDE observed the educational program of NWCMS and found it to mirror the school’s mission to provide a standards-based, college-preparatory curriculum closely following the current California State Standards. The CDE finds that NWCMS does meet the required affirmations pursuant to EC Section 47605(b)(4). The CDE recommends technical amendments to the petition none of which is considered substantive.

NWCMS currently serves approximately 332 pupils in grades six through eight in Los Angeles, California. NWCMS earned a 2010 Growth Academic Performance Index (API) of 913. Based on California Longitudinal Pupil Achievement Data System data from the 2009–10 school year, 26.5 percent of pupils at NWCMS come from socio-economically disadvantaged families; 0.6 percent of the pupils are English Learners (EL); 13 percent of pupils are African American; and 27 percent of pupils are Hispanic or Latino.

In considering the NWCMS charter renewal petition, the CDE reviewed:

- The NWCMS renewal petition
- NWCMS budget information
- NWCMS statewide assessment results
- The reasons for denial by the Los Angeles USD
- NWCMS’s response to the reasons for denial by the Los Angeles USD

When considering a renewal charter petition, the SBE reviews the petition under the requirements for renewal as specified in EC Section 47607(a)(2), which states, “Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.” EC Section 47605 sets out the criteria for review and approval of a charter petition, including the 16 required elements of a charter petition (see Attachment 2).

Further, EC Section 47607(b) specifies that a charter school shall meet at least one of the following five criteria prior to receiving a charter renewal:
Thus, charter renewal law requires the SBE to evaluate charter renewal petitions under a two-prong analysis: (1) whether the charter school meets at least one of the charter renewal criteria under EC Section 47607(b), and (2) whether the charter petition meets the standards for the establishment of a charter school as required under EC Section 47605.

The CDE finds that NWCMS has met four of the elements required under EC Section 47607(b) for the renewal of a charter term as follows:

1. The CDE finds that NWCMS has attained its API growth target in the prior year and in two of the last three years pursuant to EC Section 47607(b)(1). Since the 2006–07 school year, NWCMS has scored at or above the statewide performance target of 800. During this same time period, NWCMS has continued to demonstrate steady growth on the API scale. The school’s 2010 Growth API was 913. The school’s 2009 Growth API was 886. The 2008 Growth API was 867. The school’s net API growth between 2006 and 2009 was 116 points.

2. NWCMS had statewide ranks of 10, 10, and 9 respectively for the past three years.

3. NWCMS had similar school ranks of 9, 9, and 10 respectively for the past three years.

4. NWCMS’s 2009–10 API growth exceeded four of the middle schools located in district three of the Los Angeles USD where the students would likely attend. Three of the four middle schools where the students would likely attend are in year five of program improvement. NWCMS is not in program improvement.
Therefore, NWCMS has academic performance greater than most of the middle schools the students would otherwise attend.

The CDE also finds that the NWCMS charter renewal petition meets all of the elements required for the establishment of a charter school pursuant to EC Section 47605(b). The NWCMS charter renewal petition describes an educational program grounded in project-based learning principles likely to meet the needs of pupils within the community where the school is located; petitioners are demonstrably likely to implement the program set forth in the petition; and the petition contains reasonably comprehensive descriptions of the 16 charter elements pursuant to EC Section 47605(b)(5). In addition, the CDE finds that NWCMS has experience in starting and operating charter schools under the authorization of the SBE and has been responsive and compliant to deadlines and requests from the CDE.

Accordingly, the CDE recommends the SBE renew the NWCMS charter because the NWCMS has met the requirements for charter renewal under EC sections 47607(b) and 47605(b). The NWCMS renewal is recommended for a five-year charter term pursuant to the requirements of EC Section 47607(a)(1), which states, “Each renewal shall be for a period of five years.”

Technical amendments are needed for clarification and to reflect SBE re-authorization; however, the CDE concludes that none of these amendments is substantive. NWCMS petitioners have agreed to incorporate all of the amendments identified in the CDE report into the final charter, which is one of the requirements under the SBE’s Conditions on Opening and Operation (see Attachment 1).

The NWCMS petition was considered by the ACCS on July 28, 2011. By a vote of 6 to 0 with 1 abstention, the ACCS recommended that the SBE approve the renewal of NWCMS 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.

ATTACHMENTS

Attachment 1:  State Board of Education Conditions on Opening and Operation (2 Pages)
ATTACHMENTS (Cont.)

Attachment 2: CDE Charter School Petition Review Form (55 Pages)

Attachment 3: Petition for Charter Renewal for New West Charter Middle School (389 Pages) Due to technical limitations regarding the format of graphs and tables in the document, this attachment is not available for viewing on the CDE Web site. Electronic copies are available upon request by e-mailing CHARTERS@cde.ca.gov, and a printed copy is available for viewing in the SBE office. The document is also available at https://docs.google.com/leaf?id=0B0CR0GiaIlLaM2IxZjBjYjItMGJmMS00ODA3LWFIDtYzE4OTJiNGE2Njdmdhl=en_US (Outside Source).


Attachment 5: New West Charter Middle School Response to District Findings for Denial of Charter Renewal Petition (17 Pages)

Attachment 6: 2012-13 Admission Application, New West Charter Middle School (2 Pages)
STATE BOARD OF EDUCATION
CONDITIONS ON OPENING AND OPERATION

• **Insurance Coverage.** Not later than **July 1, 2012**, (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 **July 1, 2012**, 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 the California Education Code (EC) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

• **Special Education Local Plan Area Membership.** 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, 2012**, 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, 2012**, 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, 2012**, 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, 2012**, 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 **July 1, 2012**, 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 **September 30, 2012**, approval of the charter is terminated.
New West Charter Middle School

<table>
<thead>
<tr>
<th><strong>Key Information</strong></th>
<th><strong>Grade Span and Build-out Plan</strong></th>
<th>New West Charter Middle School (NWCMS) opened in September 2003 with 275 sixth through eighth grade students. The school currently serves approximately 340 students in grades six through eight.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td>NWCMS is located at 11625 Pico Boulevard, Los Angeles, CA</td>
<td></td>
</tr>
<tr>
<td><strong>Brief History</strong></td>
<td>In 2001, the State Board of Education (SBE) approved NWCMS to operate under the oversight of the SBE for a five-year charter term, which began in fall 2002.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In 2007, the SBE approved the renewal of NWCMS charter for a five-year term, from July 1, 2007, through June 30, 2012.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NWCMS was denied its renewal by the Los Angeles Unified School District (Los Angeles USD) on February 1, 2011. The vote was seven in favor and zero against. The petitioners submitted an appeal of its charter renewal petition to the SBE on February 18, 2011.</td>
<td></td>
</tr>
<tr>
<td><strong>Lead Petitioner</strong></td>
<td>Sharon Weir, Executive Director, NWCMS</td>
<td></td>
</tr>
<tr>
<td>Required Charter Elements Under Education Code Section 47605(b)</td>
<td>Meets Requirements</td>
<td>Technical Amendments Necessary</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Sound Educational Practice</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Unsound Educational Practice</td>
<td>Yes**</td>
<td></td>
</tr>
<tr>
<td>Demonstrably Unlikely to Implement the Program</td>
<td>Yes**</td>
<td></td>
</tr>
<tr>
<td>Required Number of Signatures</td>
<td>N/A*</td>
<td></td>
</tr>
<tr>
<td>Affirmation of Specified Conditions</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>1 Description of Educational Program</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2 Measureable Pupil Outcomes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3 Method for Measuring Pupil Progress</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4 Governance Structure</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>5 Employee Qualifications</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>6 Health and Safety Procedures</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>7 Racial and Ethnic Balance</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>8 Admission Requirements</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>9 Annual Independent Financial Audits</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>10 Suspension and Expulsion Procedures</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>11 Retirement Coverage</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>12 Public School Attendance Alternatives</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>13 Post-employment Rights of Employees</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>14 Dispute Resolution Procedures</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>15 Exclusive Public School Employer</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>16 Closure Procedures</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Standards, Assessments, and Parent Consultation</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Employment is Voluntary</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Pupil Attendance is Voluntary</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Effect on Authorizer and Financial Projections</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Academically Low Achieving Pupils</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Teacher Credentialing</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Transmission of Audit Report</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

*Signature requirements pursuant to EC Section 47605(b)(3) are not required for charter renewal petitions.

**Yes means that the school does not provide an unsound educational program and is not demonstrably unlikely to implement the program.
Overall California Department of Education Evaluation

NWCMS currently serves approximately 332 pupils in grades six through eight in Los Angeles, California. NWCMS earned a 2010 growth Academic Performance Index (API) of 913. Based on CalPads data from the 2009–10 school year, 26.5 percent of pupils at NWCMS come from socio-economically disadvantaged families; 13 percent of pupils are African American; and 27 percent of pupils are Hispanic or Latino.

In considering the NWCMS charter renewal petition, the CDE reviewed:

- The NWCMS renewal petition
- NWCMS budget information
- NWCMS statewide assessment results
- The reasons for denial by the Los Angeles USD
- NWCMS’s response to the reasons for denial by the Los Angeles USD

The CDE finds that NWCMS has met four of the elements required under EC Section 47607(b) for the renewal of a charter term.

1. The CDE finds that NWCMS has attained its API growth target in the prior year and in two of the last three years pursuant to EC Section 47607(b)(1). Since the 2006–07 school year, NWCMS has scored at or above the statewide performance target of 800. During this same time period, NWCMS has continued to demonstrate steady growth on the API scale. The school's 2010 Growth API was 913. The school's 2009 Growth API was 886. The 2008 Growth API was 867. The school's net API growth between 2006 and 2009 was 116 points.

2. NWCMS had statewide ranks of 10, 10, and 9 respectively for the past three years.

3. NWCMS had similar school ranks of 9, 9, and 10 respectively for the past three years.

4. NWCMS’s 2009–10 API growth exceeded four of the middle schools located in district three of the Los Angeles USD of where the students would likely attend. Three of the four middle schools where the students would likely attend are in year five of program improvement. NWCMS is not in program improvement. Therefore, NWCMS has academic performance greater than most of the middle schools the students would otherwise attend.

The CDE also finds that the NWCMS charter renewal petition meets all of the elements required for the establishment of a charter school pursuant to EC Section 47605(b). The NWCMS charter renewal petition describes an educational program grounded in project-based learning principles likely to meet the needs of pupils within the community where the school is located; petitioners are demonstrably likely to implement the program set forth in the petition; and the petition contains reasonably comprehensive descriptions of the 16 charter elements pursuant to EC Section 47605(b)(5). In addition, the CDE finds that NWCMS has experience in starting and operating charter schools.
under the authorization of the SBE and has been responsive and compliant to deadlines and requests from the CDE.

A number of technical amendments are needed for clarification and to reflect SBE re-authorization; however, none of these amendments is deemed substantive. NWCMS petitioners have agreed to incorporate all of the amendments identified in this report into the final NWCMS charter as a requirement under the SBE Conditions of Opening and Operation, as follows:

- 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, *Education Code (EC)* Section 47605(b)(5)(A) and 5 CCR 11967.5.1(f)(1)(F): The CDE recommends a technical amendment to the NWCMS charter petition to include an educational program that commits to narrowing the achievement gap between socioeconomically disadvantaged and non-socioeconomically disadvantaged pupils.
  - Racial and Ethnic Balance, *EC* Section 47605(b)(5)(G) and *California Code of Regulations*, Title 5 (5 CCR) Section 11967.5.1(f)(7): The CDE recommends a technical amendment to the NWCMS charter petition to require submission of an annual report to the CDE addressing the outreach plan to ensure racial and ethnic balance reflective of Los Angeles USD District 3 schools. This report should be submitted by October 31 of each year and contain demographic information about pupils who applied to the school, pupils who were selected in the lottery process, and pupils who enrolled in the school. If in any year progress is not made toward achieving racial and ethnic balance, this report should also include specific, measurable goals and activities that the school will implement before the next application period and lottery determination.
  - Admission Requirements, *EC* Section 47605(d)(2): The CDE recommends a technical amendment to the NWCMS charter to ensure that the admission requirements comply with applicable federal and state laws, specifically *EC* Section 47605(d)(2), which requires admission preference be given to returning students and pupils of the local school district as well as pupils who qualified for free and reduced lunch in their prior school. The CDE also recommends and NWCMS has agreed to a technical amendment to revise the admission packet to include only necessary information for the student to be in the lottery for admission (i.e. name, address, current school, and parent information). All other information including student test scores, report cards, student work will be gathered once a student is admitted to NWCMS. (See attachment 6)
  - Suspension and Expulsion Procedures, 5 CCR 11967.5.1(f)(10): The CDE recommends technical amendments to the petition to meet the requirements of 5 CCR 11967.5.1(f)(10)(D), ensuring that NWCMS review
non-charter school lists of offenses and procedures in preparing their list. Additionally, NWCMS needs to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically in accordance with 5 CCR 11967.5.1(f)(10)(E)(2).

- Public School Attendance Alternatives, EC Section 47605(b)(5)(L): The CDE recommends a technical amendment to the NWCMS petition to ensure that the parents of NWCMS students are informed that a pupil has no right to admission in a particular school of any local education agency (LEA) as a consequence of enrollment in NWCMS, except to the extent that such a right is extended by the LEA.

- Dispute Resolution Procedures, EC Section 47605(b)(5)(N): The CDE recommends a technical amendment in the NWCMS petition to reflect that the SBE is not an LEA and therefore may choose to resolve a dispute directly instead of pursuing the dispute resolution process proposed in NWCMS’s petition. Additionally, the petition must describe how the costs of the dispute resolution process, if needed, would be funded.


The CDE recommends that the NWCMS charter be approved, subject to incorporation of all changes identified, up to and including action taken by the SBE. In addition, the CDE recommends the inclusion of the applicable SBE’s Conditions on Opening and Operation, which may include:

- Insurance Coverage—Not later than July 1, 2012 (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 July 1, 2012, either: (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to EC Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- Special Education Local Plan Area (SELPA) Membership—Not later than July 1, 2012, submit written verification of having applied to a SELPA for membership as an LEA and, not later than TBD, submit either written verification that the school is (or will be at the time students 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 students to be students 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, 2012, 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 students 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.

- Student Attendance Accounting—Not later than July 1, 2012, 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, 2012, present written agreements (e.g., a lease or similar document) indicating the school’s right to use the principal school site and any ancillary facilities identified by the petitioners 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 July 1, 2012, 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 the California Public Employees’ Retirement System (CalPERS) and the California State Teachers’ Retirement System (CalSTRS).

• Operational Date—If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition’s approval by the SBE, approval of the charter is terminated.

Requirements for State Board of Education Authorized Charter Schools

<table>
<thead>
<tr>
<th>Sound Educational Practice</th>
<th>California Education Code (EC) Section 47605(b) California Code of Regulations, Title 5 (5 CCR) Section 11967.5.1(a)</th>
</tr>
</thead>
</table>

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 NWCMS charter renewal petition proposes an educational program that is likely to be of educational benefit to the pupils who attend the school as evidenced by API growth, annually meeting required Annual Yearly Progress (AYP) targets and state and similar school ranks. NWCMS has adopted a standards-based, college-preparatory curriculum closely following the current California state standards. Standards taught in each grade level and subject areas are outlined and aligned in a scope and sequence format. NWCMS incorporates community service as an integrated component of its educational program.
The NWCMS charter renewal petition proposes to serve students in Los Angeles, California. The targeted population reflects the ethnic, cultural, and economic diversity of the area where the school is located.

| Table 1. Net API Growth for New West Charter Middle School and Surrounding Schools |
|-----------------------------------------------|----------------------------------|---------------------------------|-------------------------------|-------------------------------|
| API Growth         | NWCMS | Emerson | Marina Del Rey | Revere | Webster |
| 2006–07           | 27    | 7       | 14              | 6      | 13      |
| 2007–08           | 25    | 8       | 26              | 15     | 14      |
| 2008–09           | 32    | 16      | 26              | 20     | 11      |
| 2009–10           | 32    | 16      | -22             | 10     | 15      |
| Net Growth        | 116   | 47      | 44              | 51     | 53      |

Academic achievement data for NWCMS and surrounding Los Angeles USD middle schools where the students would otherwise attend are contained in Tables 1 and 2. NWCMS’s 2009–10 API growth exceeded four comparison district schools. Net API growth between 2006 and 2009 was 116 point

<table>
<thead>
<tr>
<th>Table 2: Academic Data for New West Charter Middle School and Surrounding Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>NWCMS</td>
</tr>
<tr>
<td>2009 Base API/2010 Growth API (Growth): Hispanic or Latino</td>
</tr>
<tr>
<td>2010 Statewide/Similar Schools Rank</td>
</tr>
<tr>
<td>Adequate Yearly Progress (AYP) Data</td>
</tr>
<tr>
<td>Met AYP Criteria (Criteria Met/Applicable Criteria)</td>
</tr>
<tr>
<td>2010–11 Program Improvement (PI) Status</td>
</tr>
<tr>
<td>% Proficient English Language Arts (ELA): Schoolwide</td>
</tr>
<tr>
<td>% Proficient ELA: Hispanic or Latino</td>
</tr>
<tr>
<td>% Proficient Mathematics: Schoolwide</td>
</tr>
<tr>
<td>% Proficient Mathematics: Hispanic or Latino</td>
</tr>
</tbody>
</table>
AYP Target Percent Proficient 2009–2010: Elementary and Middle Schools ELA 56.8 percent, Mathematics 58 percent.

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.

<table>
<thead>
<tr>
<th>Unsound Educational Practice</th>
<th>EC Section 47605(b)(1) 5 CCR Section 11967.5.1(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td></td>
</tr>
<tr>
<td>For purposes of EC Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:</td>
<td></td>
</tr>
<tr>
<td>(1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.</td>
<td></td>
</tr>
<tr>
<td>(2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend.</td>
<td></td>
</tr>
<tr>
<td>Does the charter petition present “an unsound educational program?”</td>
<td>No</td>
</tr>
</tbody>
</table>

Comments:

The NWCMS charter renewal petition contains no indicators that its educational program meets either of the definitions of an unsound educational program as set forth in regulation.
### Evaluation Criteria

For purposes of EC Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."

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.

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.

3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).

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 plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

| Are the petitioners "demonstrably unlikely to successfully implement the program?" | No |

### Comments:

The NWCMS charter renewal petition demonstrates that the petitioners are likely to implement the program as set forth in the charter petition. The petitioners 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 petitioners have demonstrated willingness to work with the CDE and have been responsive and compliant to requests for information, submission of reports and necessary documents.

NWCMS was renewed by the SBE for a five-year term beginning July 1, 2007. Since 2007–08, NWCMS has demonstrated a pattern of timely and accurate financial reporting. The school’s audited ending fund balance has been strong and has increased
during the past four years, from approximately $607,000 in 2006–07 to approximately $1.2 million in 2009–10.

NWCMS’s audits since 2006–07 are unqualified. One audit finding was noted in 2006–07, and corrective action was implemented during the 2007–08 fiscal year. The 2007–08, 2008–09, and 2009–10 audits are free of findings.

ExEd, the NWCMS business services provider was the primary point of contact regarding fiscal manners. NWCMS responded to any questions and requests for information in a timely manner.

While specific budget assumptions were not located within the renewal petition, analysis of the budget submitted reflects revenues and expenditures that are generally conservative and consistent with historical patterns. Future cash flow projections may require adjustment based on the state apportionment deferral schedule.

<table>
<thead>
<tr>
<th>Required Number of Signatures</th>
<th>\textit{EC} Section 47605(b)(3)</th>
<th>\textit{5 CCR} Section 11967.5.1(d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For purposes of \textit{EC} Section 47605(b)(3), a charter petition that &quot;does not contain the number of signatures required by [law]&quot;…shall be a petition that did not contain the requisite number of signatures at the time of its submission…</td>
<td></td>
<td></td>
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</tbody>
</table>

\textbf{Does the petition contain the required number of signatures at the time of its submission?} \hspace{1cm} N/A

\textbf{Comments:}

The requisite number of signatures from meaningfully interested teachers or parents is not required for charter renewal petitions.

<table>
<thead>
<tr>
<th>Affirmation of Specified Conditions</th>
<th>\textit{EC} Section 47605(b)(4)</th>
<th>\textit{EC} Section 47605(d)</th>
<th>\textit{5 CCR} Section 11967.5.1(e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For purposes of \textit{EC} Section 47605(b)(4), a charter petition that &quot;does not contain an affirmation of each of the conditions described in [\textit{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 \textit{EC} Section 47605(d).</td>
<td></td>
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<tr>
<td>(1)...[A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations,</td>
<td>Yes</td>
<td></td>
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</tr>
</tbody>
</table>
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.

(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.

(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.

| Does the charter petition contain the required affirmations? | Yes |

Comments:
The NWCMS charter renewal petition contains all of the required affirmations.
The 16 Charter Elements

### 1. Description of Educational Program

<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>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>Yes</td>
<td></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>Yes</td>
<td></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>Yes; Technical Amendments Required</td>
<td></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>Yes</td>
<td></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>Yes</td>
<td></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>Yes</td>
<td></td>
</tr>
<tr>
<td>(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.</td>
<td>Yes; Technical Amendments Required</td>
<td></td>
</tr>
</tbody>
</table>
1. Description of Educational Program

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(A) 5 CCR Section 11967.5.1(f)(1)</th>
</tr>
</thead>
<tbody>
<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 students 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>
</tr>
</tbody>
</table>

If serving high school students, 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/California State University (UC/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 Required |

Comments:

NWCMS, a California Distinguished School, proposes to continue offering a site-based program with standards-based curriculum for students in sixth through eighth grades. The mission and vision of the NWCMS are to allow students to discover and maximize their full potential through academic rigor, strong character, self-reliance, and become lifelong learners.

Within the four core academic subjects learning experiences are integrated where possible, limited only by the nature of some standards within the subject areas that preclude integration. Listening, speaking, reading and writing application experiences, wherever applicable, are tied to the concepts and knowledge to be mastered in the core curriculum. The NWCMS petition states that middle school must be student-based, not subject-based, and must create a strong sense of ownership and community for the students if school is to hold the adolescent students during these difficult, emotional, and at-risk years. NWCMS provides a supportive place where it is safe, regardless of race, religion, ethnicity, culture, sexual orientation and/or ability/disability. On a recent visit by the CDE, the students were quick to state that bullying is not acceptable at their school and that the students felt safe and free from a bullying environment.
The NWCMS charter renewal petition describes a plan encompassing the identification of and meeting the needs of students with disabilities, EL students, low-achieving students, and high-achieving students. Students are grouped heterogeneously and classes are inclusive and challenge each student according to his or her abilities.

NWCMS works towards creating an individualized learning approach for each student. Students are evaluated extensively to adequately address individual education needs. Early in the school year, a personalized approach is adopted towards supporting each student. While incorporating data from testing and assessments, each student works collaboratively with a teacher in an effort to specify goals for meeting or moving beyond the standards. This personalized approach identifies elements of asset development, study skills and team-skills on which the student can focus.

NWCMS offers study skills education. Study skills education is reinforced in the homeroom, in enrichment classes, and in an after-school program. The NWCMS petition identifies the need for middle school students to learn time management, research skills, and a personal understanding of doing one’s best work.

Plan for Low-Achieving Students

For those students who are academically low performing, a range of strategies are employed. Modifications will be made, such as books on tape, so that students will still receive exposure to sophisticated literature while working on underlying building blocks of comprehension/decoding. Students receive additional intensive help after school as well as in smaller tutorial settings. Teachers differentiate curriculum so that all students can receive standards-based instruction appropriate to their level. Parents will be involved in this process and will help to provide a home environment that will reinforce this plan.

The NWCMS petition states a specific concerned for those students who are also identified at-risk because of life circumstances. The smaller size of the school and the advisor-advisee program is especially helpful to these students. The formalized advisor-advisee program has the students meet daily throughout the year with the same teacher. The program has a strong team-building and service-learning component.

Plan for High-Achieving Students

Highly capable and gifted students will be provided differentiated learning opportunities throughout the school day as well as in the after school program. The inclusion of Gifted and Talented Education (GATE) students in heterogeneous, standards-based classrooms create stimulating classroom environments. In special cases, particularly in math, students are invited to participate in classes one grade level above their homeroom class.

Academic differences are addressed through multiple strategies including compacting of the curriculum, multi-option assignments, project-based learning and, where
appropriate, independent projects. Frequent assessment, both in the form of pre-tests and post-tests, allow the teacher to assess needs and chart growth. True differentiation implies that different learning styles as well as different intelligences are addressed. Compacting instruction, then differentiating instruction through depth, complexity and/or novelty, is employed to address gifted students. The exception is mathematics, where students have the opportunity to be grouped in classes to enable them to accelerate beyond grade level.

**Plan for English Learners**

The NWCMS petition states that the school will meet all applicable legal requirements for EL students as they pertain 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. NWCMS will implement policies to assure proper placement, evaluation, and communication regarding EL students and the rights of students and parents.

EL students are provided equal access to the core curriculum through special services prior to entering the mainstream program. English Language Development (ELD) and primary language support are provided as needed by a qualified teacher or instructional assistant. Teachers understand the strategies to support the EL student. Instructional assistants aid the classroom teacher where necessary. EL students may also participate in afterschool remedial instruction.

**Plan for Special Education Students**

NWCMS complies 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). NWCMS does not discriminate against any student with a disability.

NWCMS has based its special education program on research and best practice, and has a special education coordinator to monitor and revise the school’s policy and programs accordingly.

NWCMS is an LEA member of the Southwest SELPA in accordance with EC Section 47641(a) and thus shall be solely responsible for its compliance 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. NWCMS shall also 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.
Generally, individualize education plans (IEPs) are implemented and goals are met in an inclusive setting within the general education classrooms with pull-out support for specialized academic instruction or other related services based on individual needs of strengths as required by each student’s IEP. NWCMS ensures that the teachers and other persons who provide services to a student with disabilities are knowledgeable of the content of the student’s IEP, including substitute teachers as necessary.

Highly qualified personnel capable of meeting their needs teach students with disabilities. Regular classroom teachers include special education issues as a regular part of their professional development efforts in order to better identify, assess, understand, and serve students with disabilities. Teachers receive education in recognizing and working with students that qualify for special education services under each of the categories of disabilities. Additional training is provided for working specifically with students that have Autism, Asperger’s Syndrome, Attention Deficit/Hyperactivity Disorder and other disorders with social and behavioral components as well as physical disabilities and mental challenges.

Plan for Professional Development

The NWCMS calendar includes 10 pupil-free days scattered throughout the year and 36 pupil-free afternoons on Wednesdays when students are dismissed early. NWCMS’s instructional staff uses this pupil-free time for classroom preparation, curriculum development, professional development, staff meetings, and other activities relevant to the charter school’s educational program.

The CDE recommends a technical amendment to the NWCMS charter petition to include an educational program that commits to narrowing the achievement gap between socioeconomically disadvantaged and non-socioeconomically disadvantaged pupils.

<table>
<thead>
<tr>
<th>2. Measureable Pupil Outcomes</th>
<th>EC Section 47605(b)(5)(B)</th>
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</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td>5 CCR Section 11967.5.1(f)(2)</td>
</tr>
</tbody>
</table>

Measurable pupil outcomes, as required by EC Section 47605(b)(5)(B), at a minimum:
## 2. Measureable Pupil Outcomes

| (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 students and for groups of students. | Yes |
| (B) Include the school’s API growth target, if applicable. | Yes |

### Does the petition present a reasonably comprehensive description of measurable pupil outcomes?  
Yes

**Comments:**

NWCMS committed to five broad areas of measurable pupil outcomes in its 2007–12 charter renewal term. In most cases NWCMS has met or exceeded the pupil outcomes and has made significant progress on all others. Following is a list of the five measurable pupil outcomes with an analysis provided by NWCMS of the progress made towards the pursuit of each outcome:

**Academic Excellence**

1. **Critical Thinking:** 2007–11: Students in sixth through eighth grade have shown 80 percent proficiency levels in critical thinking as evidenced in class projects, homework assignments, lab presentations in all core subjects and through extensive cross curricular projects.

2. **Core Academics:** 2007–11: Students in sixth through eighth grade have shown 85 percent proficiency levels in core academics as evidenced in California Standards Test (CST) results, class projects, teacher designed assessments, homework assignments and core subject lab presentations.

   - **World Languages:** Students communicate and interact effectively in at least one language in addition to their native language and they will understand key aspects of the culture of the second language. 2007–11: Students sixth through eighth grade have shown 80 percent proficiency levels in world language as evidenced in class projects, observations and evaluations, class tests and quizzes, self evaluation, oral exams and call and response activities.
Visual and Performing Arts: Students develop an appreciation for the arts, and self and group expression in the various visual and performing arts. 2007–11: Students sixth through eighth grade have shown 80 percent proficiency levels in visual and performing arts as evidenced in observations and evaluations, individual projects, participation, group projects, art shows and dance performances.

3. Character Development: 2007–11: Students sixth through eighth grade have shown 95 percent proficiency levels in character development as evidenced in observations and evaluations, self-evaluation, student, teacher, parent surveys, community service, student-led portfolios and annual student led portfolio conferences.

4. Lifelong Learning: 2007–11: Students sixth through eighth grade have shown 85 percent proficiency levels in interpersonal skills as evidenced in observations, individual projects, group participation and project based learning activities in all core and elective classes.

5. Life Skills: 2007–11: Students sixth through eighth grade have shown 75 percent proficiency levels in life skills as evidenced by observations within technology, and fitness electives and activities in study skills classes.

Specific benchmarked school-wide outcomes to be achieved over a five year period (2012–17) include:

1. 90 percent or above of students scoring “proficient” on the California ELA standards test. Assessed annually by CST scores.

2. 90 percent or above of students scoring “proficient” on the California standards writing test. Assessed annually by CST scores.

3. 80 percent or above of students scoring “proficient” on the California mathematics standards test. Assessed annually by CST scores.

4. 80 percent or above of students scoring “proficient” on the California science standards test. Assessed annually by CST scores.

5. 80 percent or above of students scoring “proficient” on the California history standards test. Assessed annually by CST scores.

6. 90 percent or above of students meeting learning outcomes for each core subject at each grade level.

7. In 2009–10, NWCMS’s Growth API was 913. The API goal for NWCMS over a five-year period 2012–17 is 950. Assessed annually by API issued by state.
8. NWCMS will meet adequate yearly progress as defined by the No Child Left Behind Act (NCLB). Assessed annually by Academic Performance Report (APR) issued by the CDE.

| 3. Method for Measuring Pupil Progress | EC Section 47605(b)(5)(C)  
5 CCR Section 11967.5.1(f)(3) |
<table>
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<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
<td></td>
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<tr>
<td>The method for measuring pupil progress, as required by EC Section 47605(b)(5)(C), at a minimum:</td>
<td></td>
</tr>
<tr>
<td>(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.</td>
<td>Yes</td>
</tr>
<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 NWCMS charter renewal petition presents a reasonably comprehensive description of the methods to be used for measuring student progress. Key methods of measuring student progress include:

- STAR program
- California English Language Development Test (CELDT)
- Benchmark assessments
- Student portfolios
- Curriculum imbedded assessments including rubrics and multiple measures
- Physical Fitness

Results of these assessments are shared regularly with parents through the following means:

- Individual student led conferences with parents
- Portfolio Assessments
School Accountability Report Card

4. Governance Structure

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
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</thead>
<tbody>
<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>
<td></td>
</tr>
<tr>
<td>(A) Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.</td>
<td>Yes</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>
<td></td>
</tr>
<tr>
<td>1. The charter school will become and remain a viable enterprise.</td>
<td>Yes</td>
</tr>
<tr>
<td>2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).</td>
<td></td>
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<tr>
<td>3. The educational program will be successful.</td>
<td></td>
</tr>
<tr>
<td>Does the petition present a reasonably comprehensive description of the school’s governance structure?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Comments:

The NWCMS charter renewal petition presents a reasonably comprehensive description of the NWCMS governance structure. The school operates as a California nonprofit public benefit corporation. The school’s Board of Directors is responsible for the fiscal affairs of the school. The executive director oversees day-to-day school operations. NWCMS is a parent-driven charter school model, with strong parental representation on the governing board, a strong home-school contract, and a desire to address the needs of parents as well as students.

The Board is comprised of between 9 and 11 voting members representing the charter school’s various constituencies as follows:

- Three parent representatives are elected from and by parents whose children attend NWCMS. Parent representatives serve two year terms.
- Three teacher representatives are elected from and by NWCMS’s full-time credentialed teachers. Teacher representatives serve two year terms.
• One staff employee representative is elected by NWCMS’s full-time non-instructional employees. The staff employee representative serves a two year term.

• Two to four community representatives are appointed by majority vote of the Board of Directors from volunteers who express an interest in NWCMS, with a preference given to a Founder of NWCMS, as defined by the originally approved charter. These representatives cannot be parents of children attending NWCMS, or employees of the charter school.

Parents are involved in all levels of decision-making at NWCMS through their elected representatives and committee work, their primary role in operating the school is to assist, enhance, facilitate, and extend the ability of the educational staff to conduct the NWCMS’s educational activities.

<table>
<thead>
<tr>
<th>5. Employee Qualifications</th>
<th>EC Section 47605(b)(5)(E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation Criteria</td>
<td>5 CCR Section 11967.5.1(f)(5)</td>
</tr>
</tbody>
</table>

**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.

(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.

(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.

| Does the petition present a reasonably comprehensive description of employee qualifications? | Yes |

**Comments:**

NWCMS charter renewal petition presents a reasonably comprehensive description of NWCMS employee qualifications. All of NWCMS teachers are deemed highly qualified under the NCLB Act.
6. Health and Safety Procedures

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
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<tbody>
<tr>
<td>The procedures...to ensure the health and safety of pupils and staff, as required by EC Section 47605(b)(5)(F), at a minimum:</td>
</tr>
<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>
</tr>
<tr>
<td>(B) Include the examination of faculty and staff for tuberculosis as described in EC Section 49406.</td>
</tr>
<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>
</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>
</tr>
</tbody>
</table>

Does the petition present a reasonably comprehensive description of health and safety procedures? Yes

Comments:

NWCMS charter renewal petition presents a reasonably comprehensive description of health and safety procedures to be used at the school. NWCMS adopted and implemented a comprehensive set of policies and procedures that ensure the health and safety of staff and students including the following:

- NWCMS employees, contractors, and volunteers are required to submit to fingerprinting and background clearance prior to employment, contract of service, volunteering, or any unsupervised contact with pupils of NWCMS. The executive director monitors compliance of this policy.

- NWCMS requires tuberculosis testing of all employees.

- NWCMS adheres to all laws requiring immunizations for entering pupils to the same extent required for enrollment in noncharter public schools.

NWCMS adheres to vision, hearing, and scoliosis screening as required by EC Section 49450.
The NWCMS charter renewal petition presents a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school. NWCMS serves students in Los Angeles, California. All of these methods are used to strive for racial and ethnic balance and to be reflective of the Los Angeles USD schools in the vicinity as reflected in Table 3 below. Table 4 reflects United States (US) Census demographic data by zip code for the zip codes within the proximity of NWCMS and for the largest NWCMS enrollment. This table depicts the diversity of NWCMS as compared to the total population of the community. NWCMS commits to do the following related to achieving racial and ethnic balance:

- Maintain a racial and ethnic diversity committee of parents, educators, and community members to oversee NWCMS efforts in recruiting a wide diversity of students and ensuring a supportive environment for students of all backgrounds while attending NWCMS.

- Distribute informational materials about NWCMS to a broad variety of community groups and agencies that serve the various racial and ethnic groups represented in the anticipated attendance area of NWCMS.

- Conduct an outreach program of informational meetings, coordinated with NWCMS open houses at the school and at public elementary schools to inform parents of the educational opportunities available at NWCMS. Recruitment efforts include specific targeted populations in underrepresented geographical communities. Such efforts shall include advertising directly in elementary schools, attending elementary – middle school events and school visits by NWCMS staff.

### 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>
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</tbody>
</table>

<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>
- Provide informational materials, recruitment brochures, and applications in English and Spanish, and arrange for Spanish speaking translators to be present at school meetings.

The CDE requires a technical amendment to the NWCMS charter to clarify that the outreach plan will be annually reviewed and revised as necessary to ensure racial and ethnic balance reflective of Los Angeles USD District 3 schools. NWCMS will annually submit to the CDE a written report to include information on specific outreach activities, student application demographics, lottery results, and student enrollment.

| Table 3: Demographic Data for New West Charter Middle School and Surrounding Schools |
|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                             | NWCMS | Emerson | Marina Del Rey | Revere | Webster |
| **Demographics**            |       |         |                 |        |        |
| Student Enrollment          | 332   | 978     | 835             | 2029   | 807    |
| Percentage of Black or African American | 13 | 21   | 28              | 16     | 27     |
| Percentage of Hispanic or Latino | 27 | 53   | 64              | 26     | 62     |
| Percentage of Socioeconomically Disadvantaged | 26.5 | 56 | 82               | 30     | 78     |
| Percentage of English Learners | .6 | 14   | 21              | 4      | 18     |
| Percentage of Special Education | 7.5 | 11 | 13             | 11     | 19     |

Data from 2009–10 California Longitudinal Pupil Achievement Data System
### Table 4: Demographic Data by Zip Code for Zip Codes Within Close Proximity and/or Largest Enrollment for New West Charter Middle School and Surrounding Schools

<table>
<thead>
<tr>
<th></th>
<th>90064 New West Webster</th>
<th>90024 Emerson</th>
<th>90066 Marina Del Rey</th>
<th>90049 Revere</th>
<th>90025</th>
<th>90291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Population 10 to 14 years</td>
<td>4.5</td>
<td>1.4</td>
<td>4.8</td>
<td>3.8</td>
<td>2.4</td>
<td>3.7</td>
</tr>
<tr>
<td>Percentage of Total Population</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>White</td>
<td>72.3</td>
<td>64.5</td>
<td>60.8</td>
<td>87.5</td>
<td>66.1</td>
<td>71.5</td>
</tr>
<tr>
<td>Black or African American</td>
<td>2.5</td>
<td>2.1</td>
<td>4.1</td>
<td>1.2</td>
<td>3.1</td>
<td>6.7</td>
</tr>
<tr>
<td>Asian</td>
<td>14.0</td>
<td>24.3</td>
<td>13.2</td>
<td>6.8</td>
<td>16.9</td>
<td>3.7</td>
</tr>
<tr>
<td>Hispanic/ Latino</td>
<td></td>
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<tr>
<td>2000 US Census Data retrieved by American Fact Finder June 6, 2011</td>
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8. Admission Requirements, If Applicable

<table>
<thead>
<tr>
<th>EC Section 47605(b)(5)(H)</th>
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<tbody>
<tr>
<td>5 CCR Section 11967.5.1(f)(8)</td>
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</tbody>
</table>

**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 Necessary |

9/1/2011
Comments:

The NWCMS charter renewal petition describes admission requirements to be used at the school. NWCMS commits to conducting a public random drawing if more applications are received than there is capacity.

The CDE recommends a technical amendment to NWCMS charter to ensure that the admission requirements comply with applicable federal and state laws, specifically EC Section 47605(d)(2) requiring admission preference be given to returning students and pupils of the local school district.

The CDE also recommends and NWCMS has agreed to a technical amendment to revise the admission packet to include only necessary information for the student to be in the lottery for admission (i.e. name, address, current school, and parent information). All other information including student test scores, report cards, student work will be gathered once a student is admitted to NWCMS.

<table>
<thead>
<tr>
<th>9. Annual Independent Financial Audits</th>
<th>EC Section 47605(b)(5)(I)</th>
<th>5 CCR Section 11967.5.1(f)(9)</th>
</tr>
</thead>
</table>

**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:

- **(A)** Specify who is responsible for contracting and overseeing the independent audit. **Yes**
- **(B)** Specify that the auditor will have experience in education finance. **Yes**
- **(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. **Yes**
- **(D)** Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions. **Yes**

**Does the petition present a reasonably comprehensive description of annual independent financial audits?** **Yes**

Comments:

The NWCMS charter renewal petition presents a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted.
## 10. Suspension and Expulsion Procedures

<table>
<thead>
<tr>
<th>Evaluation Criteria</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>
</tr>
</tbody>
</table>

(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.  

|  | Yes; Technical Amendments Necessary |

(B) Identify the procedures by which pupils can be suspended or expelled.  

|  | Yes |

(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.  

|  | Yes |

(D) 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 students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school’s pupils and their parents (guardians).  

|  | Yes; Technical Amendments Necessary |

(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.  

|  | Yes; Technical Amendments Necessary |

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 students are subject to suspension or expulsion.
10. Suspension and Expulsion Procedures

<table>
<thead>
<tr>
<th>Section 47605(b)(5)(J)</th>
<th>5 CCR Section 11967.5.1(f)(10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes; Technical Amendments Necessary</td>
<td></td>
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</tbody>
</table>

**Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?**

**Comments:**

The NWCMS petition presents a reasonably comprehensive description of suspension and expulsion procedures to be used by the school. NWCMS commits to comprehensive due process procedures for all pupils by utilizing a suspension and expulsion policy based upon EC Section 48900.

Technical amendments are needed to the petition to meet the requirements of 5 CCR 11967.5.1(f)(10)(D) ensuring that NWCMS review non-charter school lists of offenses and procedures in preparing their list. Additionally, NWCMS needs to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically in accordance with 5 CCR 11967.5.1(f)(10)(E)(2).

11. CalSTRS, CalPERS, and Social Security Coverage

<table>
<thead>
<tr>
<th>Section 47605(b)(5)(K)</th>
<th>5 CCR Section 11967.5.1(f)(11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Evaluation Criteria**

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 EC Section 47605(b)(5)(K), 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.

**Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?**

**Yes**

**Comments:**

The NWCMS charter renewal petition presents a reasonably comprehensive description of the retirement programs offered by the school and the designated staff responsible for the arrangements of coverage.
12. Public School Attendance Alternatives

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by EC Section 47605(b)(5)(L), 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>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Does the petition present a reasonably comprehensive description of public school attendance alternatives?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes; Technical Amendments Needed</td>
</tr>
</tbody>
</table>

Comments:

The NWCMS charter renewal petition presents a reasonably comprehensive description of the public school alternatives available to NWCMS students. However, NWCMS needs to be amended to ensure that the parents of NWCMS parents are informed that a pupil has no right to admission in a particular school of any LEA as a consequence of enrollment in NWCMS, except to the extent that such a right is extended by the LEA.

13. Post-employment Rights of Employees

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>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:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>
13. Post-employment Rights of Employees

| EC Section 47605(b)(5)(M) |
| 5 CCR Section 11967.5.1(f)(13) |

| Does the petition present a reasonably comprehensive description of post-employment rights of employees? | Yes |

Comments:

The NWCMS charter renewal petition presents a reasonably comprehensive description of the post-employment rights of NWCMS employees.

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.

(B) Describe how the costs of the dispute resolution process, if needed, would be funded.

(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 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.

Yes; Technical Amendments Needed
### 14. Dispute Resolution Procedures

| (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. | Yes |

**EC Section 47605(b)(5)(N)**

**5 CCR Section 11967.5.1(f)(14)**

**Does the petition present a reasonably comprehensive description of dispute resolution procedures?**  
Yes; Technical Amendments Needed

**Comments:**

The NWCMS charter renewal petition requires a technical amendment to reflect that the SBE is not an LEA and therefore may choose to resolve a dispute directly instead of pursuing the dispute resolution process proposed in NWCMS’s petition. Additionally, the petition must describe how the costs of the dispute resolution process, if needed would be funded.

### 15. Exclusive Public School Employer

| Evaluation Criteria | Yes |

**EC Section 47605(b)(5)(O)**

**5 CCR Section 11967.5.1(f)(15)**

**Does the petition include the necessary declaration?**

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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code), 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 Educational Employment Relations Act (EERA).
Comments:

The charter renewal petition makes clear that NWCMS shall be deemed the exclusive public school employer of charter school employees for the purposes of the EERA.

<table>
<thead>
<tr>
<th>16. Closure Procedures</th>
<th>EC Section 47605(b)(5)(P)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 CCR Section 11967.5.1(f)(15)(g)</td>
</tr>
</tbody>
</table>

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 NWCMS charter renewal petition includes a reasonably 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) 5 CCR Section 11967.5.1(f)(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
<td></td>
</tr>
<tr>
<td>Evidence is provided that:</td>
<td></td>
</tr>
<tr>
<td>(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 non-charter public schools.</td>
<td>Yes</td>
</tr>
<tr>
<td>(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?</strong></td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Comments:**

The charter renewal petition states that NWCMS will meet all statewide standards and conduct all required state-mandated pupil assessments. The petition also includes a commitment by NWCMS to consult regularly with parents and teachers regarding the school's educational programs.

NWCMS developed an educational program that is fully aligned with the State of California’s Department of Education standards. NWCMS delivers this curriculum to over 300 sixth through eighth grade students through 12 full-time credentialed teachers, at least one full-time special education teacher, and a support staff.

<table>
<thead>
<tr>
<th>Employment is Voluntary</th>
<th>EC Section 47605(e) 5 CCR Section 11967.5.1(f)(13)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Evaluation Criteria</strong></td>
<td></td>
</tr>
<tr>
<td>The governing board…shall not require any employee…to be employed in a charter school.</td>
<td></td>
</tr>
<tr>
<td><strong>Does the petition meet this criterion?</strong></td>
<td>Yes</td>
</tr>
</tbody>
</table>
**Comments:**

The petition states that no public school district employee shall be required to work at the charter school.

| Pupil Attendance is Voluntary | EC Section 47605(f)  
| 5 CCR Section 11967.5.1(f)(12) |
|-----------------------------|-----------------------------------------------|
| Evaluation Criteria         | The governing board…shall not require any pupil…to attend a charter school. |
| Does the petition meet this criterion? | Yes |

**Comments:**

The petition states that enrollment at NWCMS is entirely voluntary on the part of the pupils.

| Effect on Authorizer and Financial Projections | EC Section 47605(g)  
| 5 CCR Section 11967.5.1(c)(3)(A–C) |
|-----------------------------|-----------------------------------------------|
| Evaluation Criteria         | …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to: |
| - The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. | Yes |
| - The manner in which administrative services of the school are to be provided. | Yes |
| - Potential civil liability effects, if any upon the school and the SBE. | Yes |
| The petitioners shall also 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. | Yes |
| Does the petition provide the required information and financial projections? | Yes |
Comments:

The NWCMS charter renewal petition demonstrates that the petitioners are likely to continue implementing the program as set forth in the charter petition. The NWCMS petition contains a realistic budget, consistent with previously submitted budgets, with most revenues conservatively projected and reasonable expenditures that are consistent with historic averages. NWCMS administrative services are administered by ExEd.

<table>
<thead>
<tr>
<th>Academically Low Achieving Pupils</th>
<th>EC Section 47605(h)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 CCR Section 11967.5.1(f)(1)(F–G)</td>
</tr>
</tbody>
</table>

Evaluation Criteria

In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032 as it read prior to July 19, 2006.

Does the petition merit preference by the SBE under this criterion? Yes

Comments:

NWCMS offers a variety of activities for academically low-achieving pupils along with multiple professional development activities for its faculty and staff designed to address the needs of academically low-achieving pupils. Students who are academically low performing will have modifications made in the classroom, such as books on tape, so that students will still receive exposure to sophisticated literature while working on underlying building blocks of comprehension/decoding. Teachers will also differentiate curriculum so that all students can receive standards-based instruction appropriate to their level. Students receive additional intensive help after school as well as in smaller tutorial settings. Parents will be involved in this process and will help to provide a home environment that will reinforce this plan.
**Teacher Credentialing**  
| EC Section 47605(l) | 5 CCR Section 11967.5.1(f)(5) |

**Evaluation Criteria**

Teachers in charter schools shall 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...It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

**Does the petition meet this requirement?**  Yes

**Comments:**

The petition is clear that teachers at NWCMS will continue to be credentialed as required by law. During the 2010–11 academic year, 100 percent of NWCMS faculty teaching core courses were highly qualified under the NCLB.

**Transmission of Audit Report**  
| EC Section 47605(m) | 5 CCR Section 11967.5.1(f)(9) |

**Evaluation Criteria**

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.

**Does the petition address this requirement?**  Yes

**Comments:**

The NWCMS charter renewal petition reasonably describes the transmission of the annual audit report. NWCMS has a history of timely and accurate transmissions of its annual audit reports.
Addendum 1: Los Angeles Unified School District Reasons for Denial

On February 1, 2011, the governing board of the Los Angeles USD, by a seven to zero vote, denied NWCMS’s charter renewal petition. That decision was based upon the resolution “To Grant or Deny Charter School Petition for New West Charter Middle School.”

The governing board of the Los Angeles USD made specific factual findings to support the findings listed below. A summary of the factual findings along with responses from NWCMS and the CDE are as follows:

Los Angeles USD General Finding Area: Demonstrably Unlikely to Succeed (47605(b)(2))

Los Angeles USD Finding #1:

Petitioner did not submit board member questionnaires and declined to complete documents necessary for the Office of the Inspector General to perform due diligence background checks to determine whether any concerns exist with regards to the petitioners’ operations of a publically-funded charter school.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language nor follow processes of the Los Angeles USD that are outside of legal requirements. The only mandatory process for renewal is set forth in EC sections 47607 and 47605, which describe the standards and criteria for renewal, including the requirements for the content of the charter which are present in the NWCMS charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

CDE Response:

A board questionnaire is not a requirement of EC Section 47605(b)(2).

Los Angeles USD Finding #2:

In order to evaluate NWCMS’s ability to fiscally implement their educational program and the school’s financial stability, Los Angeles USD requested the petitioner to submit copies of the school’s 2009–10 audit, 2010–11 projections, 2011–12 projections, and the current financials for the school. NWCMS only submitted budgets and cash flows for the 2012–13 school year and represent projections. The petitioner declined the request to submit the other projections and fiscal audits which NWCMS would have been required to produce to the SBE pursuant to EC Section 47605(m).
**NWCMS Response:**

As required by law, NWCMS submitted budget information, including cash flow projections and assumptions, along with three-year projections. NWCMS submits its annual audit to the CDE each year, and a copy is on file at the Charter School. NWCMS complied with legal requirements regarding the submission of budgetary documents in accordance with *EC* Section 47605(g), and therefore this finding is an impermissible basis for denial.

**The CDE Response:**

The CDE annually receives the NWCMS audit reports. NWCMS has submitted budget information as required by *EC* Section 47605(g).

**Los Angeles USD Finding #3:**

The petition fails to state an enrollment capacity for the school and instead only vaguely states that there is a demand for their school and an anticipated enrollment of over 600 students for the 2011–12 school year. Without a specific stated enrollment capacity, NWCMS's petition fails to support a finding that the school is demonstrably likely to implement the program since Los Angeles USD is unable to meaningfully evaluate essential matters such as the budgetary and fiscal viability of the school to operate at the size and scope of the educational program proposed in the charter. NWCMS has annually submitted facilities requests pursuant to *EC* Section 47614 (Proposition 39), and a failure to have a clearly defined enrollment capacity renders it impossible for Los Angeles USD to meaningfully analyze New West's enrollment projections in future.

**NWCMS Response:**

No law requires that a charter petition state with specificity its enrollment capacity; particularly as capacity is largely dependent upon facilities; and facilities are ultimately dependent upon the projection of students who wish to attend. Indeed, *EC* Section 47605(d) recognizes that enrollment capacity is not necessarily a static number. The charter renewal petition clearly states that the NWCMS Board of Directors will determine capacity.

**The CDE Response:**

The NWCMS petition states on page 4 of section B “Supplement to Element 1”, that the school currently operates with 340 students and can grow to more than 600 middle school students in grades six through eight.
Los Angeles USD General Finding Area: The Petition Does Not Contain the Required Affirmations (EC Section 47605(b)(4))

Los Angeles USD Finding #4:

Although the petition contains an assurance that a charter school shall admit all pupils who wish to attend the school pursuant to Education Code section 47605(d)(2)(A), Element H of the petition regarding Admission Requirements and the NWCMS Application Packet contain statements that contradict this assurance. Specifically, the Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school.

NWCMS Response:

As stated by the Los Angeles USD, the NWCMS charter renewal petition does contain the required affirmations as specified in EC Section 47605(d)(2)(A), and, most importantly, NWCMS does not, in practice, have any admission requirements.

As indicated in the charter, NWCMS admits students from all over the greater Los Angeles region – covering over 50 unique zip codes. NWCMS has a very difficult time obtaining cumulative files for its students from the sending school districts; to date, NWCMS has not been able to obtain cumulative files for some of its students this year, five months into the school year. Los Angeles USD in particular has repeatedly denied parents a copy of their student’s STAR report. NWCMS receives several complaints from parents every year that Los Angeles USD schools are refusing to provide them with STAR testing information despite their understanding that this is their right. NWCMS absolutely does not utilize or review STAR reports prior to the public random drawing as a basis for making enrollment decisions, but only utilizes them once students have been enrolled.

The CDE Response:

The CDE recommends a technical amendment to NWCMS charter to ensure that the admission requirements comply with applicable federal and state laws pursuant to EC Section 47605(d)(2) including the requirement to give admission preference to returning students and pupils of the district. Additionally, NWCMS has agreed to amend the application packet by moving the requirement for student test scores and questionnaires to the enrollment packet given to families after the lottery has been held.

Los Angeles USD General Finding Area: Lacks a Reasonably Comprehensive Description of Required Elements (EC Section 47605(b)(5))

Los Angeles USD Finding #5:

Although the petition states that NWCMS adheres to all applicable State and Federal law and Southwest SELPA policies and procedures regarding special education, the
special education program as described in the renewal petition does not adequately describe what supports will be given to students with moderate to severe disabilities in order for these students to be successful with the college preparatory curriculum of the school.

**NWCMS Response:**

This finding exceeds the requirements of law for a reasonably comprehensive description. NWCMS is a member in good standing of the Southwest SELPA. The charter language does not single out how students with any particular disability are served, but rather affirms that highly qualified personnel capability of meeting students' needs teach students with disabilities.

**The CDE Response:**

The specificity requested by Los Angeles USD is not a requirement of EC Section 47605(b)(5)(A).

**Los Angeles USD Finding #6:**

There is no assurance in the petition that NWCMS would be subject to the full terms and requirements of the *Chanda Smith* Modified Consent Decree if it were to be authorized by Los Angeles USD.

**NWCMS Response:**

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by Los Angeles USD.

**The CDE Response:**

As NWCMS is not a school of the Los Angeles USD it is not subject to the *Chanda Smith* Modified Consent Decree.

**Los Angeles USD Finding #7:**

Although the petition contains a statement that NWCMS will comply with the Brown Act, it does not include specifics to indicate how NWCMS will comply with the requirements of the law (notice of meetings, recording of meetings, making minutes available, teleconferencing procedures, etc., to assure participation by the public).

**NWCMS Response:**

NWCMS's Bylaws, attached to the renewal charter as Appendix M, set forth all of the information contained in this finding. The Bylaws also state that Board of Director meetings shall be held at the principal office of the corporation (which is the school site).
Accordingly, this finding is an impermissible basis for denial of the charter renewal petition. However, should the SBE request an amendment to the Bylaws to limit jurisdiction for purpose of Board meetings, NWCMS would comply with this request.

**The CDE Response:**

The NWCMS petition contains information related to compliance with the Brown Act.

**Los Angeles USD Finding #8:**

While the charter states that the school intends to set up advisory committees, the document fails to identify the composition of each committee, delineate the responsibilities of each committee, and provide assurance that committee meetings will be held and noticed pursuant to the Brown Act.

**NWCMS Response:**

There is no legal requirement that a charter identify the composition, etc. of such advisory committees; accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

**The CDE Response:**

The advisory committee structure is not a requirement of EC Section 47605(b)(5)(A).

**Los Angeles USD Finding #9:**

Home-School Contract: NWCMS’s petition states that “agreement to the contract by parents is one of the terms of admission and enrollment each year for students who want to attend New West.” Requiring parents to agree and sign the Home-School Contract contravenes EC Section 47605(d)(2)(A) which requires a charter school to admit all pupils who wish to attend the school. Admission to NWCMS cannot be contingent upon a parent signing the Home-School Contract.

**NWCMS Response:**

Pursuant to a legal opinion issued by the CDE, charter schools may require parents to complete volunteer hour requirements. At NWCMS, the Home-School Contract is a cornerstone of the educational program, and a key factor contributing to NWCMS’s laudable academic success. In its eight years of operation, NWCMS has never encountered any difficulty with a parent of an admitted student not wishing to sign the Home-School Contract. No student has ever been penalized in any way or denied admission due to his or her parent not completing the volunteer hour requirement, and no student will ever be so penalized or denied admission. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.
The CDE Response:

The CDE finds that based upon legal opinion, charter schools may require parents to complete volunteer hours.

Los Angeles USD Finding #10:

Parent Volunteer Requirements: Petition does not address whether the parent volunteering requirement is a condition of enrollment/continued enrollment. The petition fails to describe whether there are alternative means by which parents can satisfy their volunteer commitment or otherwise opt out of or reduce the commitment due to hardship. The petition contains statement that “New West pays special attention to ensuring that this volunteer requirement does not result in a loss of a diversity of students (i.e. race, ethnicity, or socio-economic),” yet does not explain how this is achieved. In light of the school’s declining ethnic diversity particularly in African American enrollment, this point is especially relevant.

NWCMS Response:

Please see response to Finding #9 immediately above.

The District here points out NWCMS’s “declining ethnic diversity … in African American enrollment,” but fails to mention that it is also experiencing a decline in African American enrollment in its schools. In fact, for its 2010 API growth report, Los Angeles USD’s student population was only 10 percent African American. NWCMS enrolls a higher percentage of African American students than Los Angeles USD. Furthermore, due to the public random drawing that it must conduct and substantial interest in admission, NWCMS is very likely losing some of its diversity because of the public random drawing, which could disproportionately impact population subgroups by random chance.

The CDE Response:

The CDE finds that based upon legal opinion, charter schools may require parents to complete volunteer hours.

Los Angeles USD Finding #11:

Conflict of Interest Policy. The petition (pg. 46) and Bylaws (pg. 4) provide for “Interested Persons” to sit on the Board. The Bylaws “Article IX – Contracts with Directors” also allows NWCMS to enter into a contract with a director. These provisions conflict with California Government Code Section 1090, which prohibits governing board members from being financially interested in any contract made by them in their official capacity, or by the board of which they are members.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language.
It is the legal opinion of our counsel that Government Code Section 1090 does not apply to charter schools. We believe that Los Angeles USD staff has reached this conclusion based upon an erroneous interpretation of the relevant law.

Pursuant to EC Section 47610, charter schools are exempt from “the laws governing school districts,” with only a few minor exceptions, not applicable here. This section is known as the “mega-waiver.” School districts themselves are not directly governed by Government Code Section 1090. Absent Education Code Section 35233, which directs school district governing boards to comply with Government Code Section 1090, the provisions of Section 1090 would not apply to school districts.

The CDE Response:

The CDE finds that NWCMS does not need to comply with Government Code Section 1090.

Los Angeles USD Finding #12:

Governance is further complicated by an examination of the 2009 IRS Form 990 for the organization. Principal/Executive Director, Sharon Weir signs the form as an officer but does not appear on the list of board members, officers and employees earning more than $50,000.

NWCMS Response:

NWCMS’s fiscal and financial reporting processes are guided by the advice of two external auditors. In eight years of operation, NWCMS has always achieved a clean financial audit. The Executive Director/Principal is the de facto Chief Executive Officer of the Corporation, and, as such, is an officer. NWCMS will review its processes with its auditors to ensure compliance with IRS regulations.

The CDE Response:

The CDE does not find that this is an education code requirement.

Los Angeles USD Finding #13:

Petition does not contain a statement that the members of NWCMS’s executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and Los Angeles USD’s Charter School policies and regulations regarding ethics and conflicts of interest.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those
requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that this is not a requirement of 47605(b).

Los Angeles USD Finding #14:

The petition does not contain a grievance procedure for parents for the prompt and equitable resolution of complaints.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the NWCMS petition contains the required language.

Los Angeles USD Finding #15:

While the petition describes qualifications for teachers, the Executive Director/Principal and Assistant Principals of the charter school, the petition fails to identify the general qualifications for other categories of employees the school anticipates to be employed by the charter school.

NWCMS Response:

A charter petition must contain employment qualifications for key charter school employees pursuant to 5 CCR 11967.5.1. The NWCMS charter meets this requirement. NWCMS’s employee handbook, which is on file at the school site and available for inspection, contains qualifications for all employees. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that this is not a requirement of 5 CCR 11967.5.1.

Los Angeles USD Finding #16:

The petition fails to sufficiently acknowledge that the charter school will not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship,
age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law and that equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

- The petition fails to clearly identify staff selection, hiring, and evaluation processes.
- The petition fails to describe grievance procedures/or rights for employees.

**NWCMS Response:**

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by the Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

**The CDE Response:**

The CDE finds that the NWCMS petition meets the requirements of EC Section 47605(b).

**Los Angeles USD Finding #17:**

Although the petition contains a statement that NWCMS will follow the same procedures used by the Los Angeles USD, it does not include an explanation of Los Angeles USD’s health and safety procedures to indicate an understanding of how NWCMS will provide a safe environment for its students and staff.

**NWCMS Response:**

The charter renewal petition only states that NWCMS will follow the same procedures used by the Los Angeles USD with regard to child abuse reporting. The statement in no way applies to any other facet of health and safety policies and procedures. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

**The CDE Response:**

The CDE finds that NWCMS petition meets the requirement of 47605(b)(5)(F).
Los Angeles USD Finding #18:
The petition fails to assure that the school’s staff will be trained annually on safety procedures outlined in its policies.

NWCMS Response:
An assurance that the staff of a charter school will be trained annually on safety procedures is not a required element of a charter petition. Nevertheless, NWCMS does conduct annual training for its staff. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:
The CDE finds that this is not a requirement of 47605(b).

Los Angeles USD Finding #19:
The petition does not include Los Angeles USD’s provisions regarding Insurance and Indemnification to protect the charter school and the Los Angeles USD from claims which may arise from its operations.

NWCMS Response:
This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those requirements are present in the charter renewal petition.

The CDE Response:
The CDE finds that NWCMS petition meets the requirements of EC Section 47605(b)

Los Angeles USD Finding #20:
Facilities: The petition does not completely state health and safety assurances:

- The petition fails to state that NWCMS shall comply with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which the charter school is to be located, and the Americans with Disabilities Act (ADA). Applicable codes and ADA requirements shall also apply to the construction, reconstruction, alteration of or addition to the proposed charter school facility.

- The petition does not state that it will comply with the Healthy Schools Act, EC Section 17608, which details pest management requirements for schools.
• The petition fails to state that the charter school will comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

**NWCMS Response:**

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by the Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

**The CDE Response:**

The CDE finds that the NWCMS petition meets the requirements of EC Section 47605(b).

**Los Angeles USD Finding #21:**

The petition fails to assure that the charter school shall comply with all requirements of the Crawford v. Board of Education, City of Los Angeles court order and the LAUSD Integration Policy adopted and maintained pursuant to the Crawford court order, and fails to describe the charter school’s written plan outlining how it would achieve and maintain the Los Angeles USD’s ethnic goal of 70:30 or 30:70 ratio.

**NWCMS Response:**

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by the Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

**The CDE Response:**

As NWCMS is not a school of the Los Angeles USD it is not subject to the requirements of the Crawford v. Board of Education, City of Los Angeles court order and the Los Angeles USD Integration Policy.
Los Angeles USD Finding #22:

The petition fails to describe how its outreach efforts will attain a racial and ethnic balance at the charter school that is reflective of Los Angeles USD. The petition makes reference to partnering with community groups/agencies on past recruitment efforts but does not provide examples.

NWCMS Response:

The contents of Element 7 of the charter renewal petition are reasonably comprehensive and thus meet legal requirements. NWCMS does make a concerted effort every year to reach out to underserved communities; indeed, documentation of these efforts are on file at the school site.

The CDE Response:

The CDE finds that the NWCMS petition clearly explains how it will work to attain racial and ethnic balance.

Los Angeles USD Finding #23:

The petition fails to provide specifics of how the charter school provides recruitment brochures in multiple languages to ensure outreach to non-English speaking community members.

NWCMS Response:

This finding exceeds the requirements of law, and is therefore an impermissible basis for denial of the charter renewal petition. NWCMS does have Spanish language interpreters on staff who provide assistance for families as needed.

The CDE Response:

The CDE finds that the NWCMS petition states that information, both written and verbal will be provided in Spanish as needed to interested families.

Los Angeles USD Finding #24:

The petition does not contain a statement that NWCMS would accommodate public school choice traveling students under NCLB.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b),
and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that NWCMS does not need to meet this requirement as it is not a school of the Los Angeles USD.

Los Angeles USD Finding #25:

The lack of specificity and assurance in the petition for achieving racial and ethnic balance is critical given NWCMS’s decline in ethnic diversity particularly in African American enrollment as documented in the CDE’s Dataquest website.

NWCMS Response:

Please see response to “Parent Volunteer Requirements” above. The NWCMS charter renewal petition meets the requirements of law in this, and all other areas.

The CDE Response:

The CDE finds that this is not a requirement of EC Section 47605(b).

Los Angeles USD Finding #26:

The petition fails to include a reasonably comprehensive description of the manner in which NWCMS will implement a public random drawing in the event that applications for enrollment exceed school capacity. Specifically, the petition fails to address the method the school will use to verify that lottery procedures are fairly executed, the timelines under which the open enrollment period and lottery will occur, the day of the week, date and time lotteries will occur so most interested parties will be able to attend, and the records the school will keep on file to document the fair execution of lottery procedures.

NWCMS Response:

This finding exceeds the requirements of law for a reasonably comprehensive description. The Application Packet, attached as Appendix N, details the process for the public random drawing. The Application Packet is available at the school site for any interested families, and it is distributed at all enrollment events. Additionally, NWCMS produces a podcast, posted on its website, to describe the admissions and enrollment process. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the NWCMS petition meets the requirement of a public random drawing pursuant to EC Section 47605(d)(2).
Los Angeles USD Finding #27:

Lottery exemptions and preferences fail to adhere to EC Section 47605(d)(2)(B):

- The petition lists the category of continuing students as a preference even though continuing students are exempted from the lottery pursuant to EC Section 47605(d)(2)(B). The petition also imposes requirements in order to "maintain eligibility for this preference" and be deemed an "existing pupil."
- The petition fails to affirm that in the event a public random drawing is implemented, admission priority preference shall be extended to students who reside within Los Angeles USD. Preference for residents of Los Angeles USD is second to the last in order of admission preferences which violates EC Section 47605(d)(2)(B).
- Sibling preferences and Children of Employees are listed as having more priority than Los Angeles USD students in violation of EC Section 47605(d)(2)(B).
- The petition states that preference for enrollment will be available to applicants who attend or live in the attendance area of Brockton Elementary School and that NWCMS may be available to receive funds through SB 740 Charter School Facility Grant Program if students attend this particular school. Since NWCMS has not produced any documentation that it is eligible to receive these funds including showing that it gives enrollment preference to an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced price meals, this preference is inappropriate.

NWCMS Response:

This finding misinterprets applicable law. While EC Section 47605(d)(2)(B) does require an admissions preference in the event of the lottery for residents of Los Angeles USD, it does not specify that such preference must exceed all other admissions preferences. NWCMS does give, and has given, an admissions preference for the purposes of SB 740. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE recommends a technical amendment to NWCMS charter to ensure that the admission requirements comply with applicable federal and state laws pursuant to EC Section 47605(d)(2) including the requirement to give admission preference to returning students and pupils of the district.

Los Angeles USD Finding #28:

The Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school.
NWCMS Response:

Please see response to Finding #3 above.

The CDE Response:

The CDE recommends and the petitioner has agreed to NWCMS has agreed to a technical amendment the application packet by moving the requirement for student test scores and questionnaires to the enrollment packet given to families after the lottery has been held.

Los Angeles USD Finding #29:

The petition fails to state that the charter school will at all times maintain a funds balance (reserve) of its expenditures as required by 5 CCR 15450.

NWCMS Response:

NWCMS maintains a more than adequate budgetary reserve, as identified in its budget. No law requires that a charter petition must state that a charter school will at all times maintain a funds balance. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that a specific fund balance is not a requirement of EC Section 47605(b).

Los Angeles USD Finding #30:

The petition fails to acknowledge the right of Los Angeles USD to audit the charter school’s books, records, data, processes and procedures through the LAUSD Office of the Inspector General or other means pursuant to Los Angeles USD’s oversight responsibility and fails to assure that the charter school shall cooperate fully with such audits.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that this is not a requirement of EC Section 47605(b).
Los Angeles USD Finding #31:

The petition fails to provide a reasonably comprehensive description of the charter school’s student discipline procedures necessary to afford the charter school’s students adequate due process. Cleary described/outlined procedures are necessary to avoid inconsistent, capricious, and unfair student disciplinary practices and necessary to afford students adequate due process. For instance, the petition fails to identify offenses for which students must be suspended/recommended for expulsion, fails to identify student expulsion procedures, and fails to sufficiently address student suspension and expulsion appeal rights.

NWCMS Response:

Los Angeles USD makes a number of findings regarding NWCMS’s suspension and expulsion policy and procedures. This response addresses all such findings. Charter schools are not required to comply with EC Section 48900, which address pupil suspension and expulsion from traditional public schools, but charter schools must provide due process to students facing discipline. NWCMS has duly adopted a suspension and expulsion policy which legally comports with due process requirements. In addition, NWCMS has implemented a multi-step process for student discipline which is spelled out and memorialized in a series of forms which are given to parents at each stage in the process. This procedure also meets legal requirements for due process and all requirements of 5 CCR 11967.5.1. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the NWCMS petition needs technical amendments to meet the requirements of 5 CCR 11967.5.1(F)(10)(D) to include evidence that the non-charter school lists of offenses and procedures were reviewed to prepare their list. The NWCMS petition needs to include an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically pursuant to 5 CCR 11967.5.1(f)(10)(E)(2).

Los Angeles USD Finding #32:

The petition contains vague statements as to the return rights of a Los Angeles USD employee who chooses to work at NWCMS. The following statement renders an unclear statement to prospective employees:

“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 Charter School that the District determines to be reasonable and not in conflict with any law.”
NWCMS Response:

The quoted language above has been approved by school districts and county offices of education all around the state, as well as by the SBE, as legally sufficient. Despite Los Angeles USD’s assertion to the contrary, the charter language is understandable and reasonably comprehensive. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the NWCMS petition meets the requirements of EC Section 47605(b)(5)(M).

Los Angeles USD Finding #33:

The dispute resolution procedures described in the petition fail to conform to procedures Los Angeles USD deems necessary for the reasonable resolution of any disputes arising from provisions of the charter, including, but not limited to, written notification of a dispute, scheduling of issue conferences, and mediation and arbitration procedures.

NWCMS Response:

The charter language in this element has been approved by school districts and county offices of education all around the state, as well as by the SBE, as legally sufficient. Despite Los Angeles USD’s assertion to the contrary, the charter petition explicitly addresses written notification of a dispute, conferences, and mediation. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the language in the NWCMS petition requires a technical amendment to reflect that the SBE is not an LEA and therefore may choose to resolve a dispute directly instead of pursuing the dispute resolution process proposed and the petition must describe how the costs of the dispute resolution process, if needed, would be funded pursuant to 5 CCR 11967.5.1(f)(14).

Los Angeles USD Finding #34:

The petition does not contain or describe applicable procedures regarding charter school revocation.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b),
and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the language in the NWCMS petition meets the requirements set forth in EC Section 47605(b).

Los Angeles USD Finding #35:

The closure procedure in the charter does not sufficiently include procedures for the transfer and maintenance of school and student records, including personnel records.

NWCMS Response:

This finding is exclusively based on the fact that the NWCMS charter renewal petition did not contain Los Angeles USD boilerplate language. There is no legal requirement that NWCMS include boilerplate language demanded by the Los Angeles USD. The only mandatory language within a charter petition is that set forth in EC Section 47605(b) and with regard to closure as required in the California Code of Regulations, and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

The CDE Response:

The CDE finds that the language in the NWCMS petition meets the requirements set forth in EC Section 47605(b)(5)(P).
Report Number: 185-10/11
Date: February 1, 2011
Subject: Denial of the Renewal Petition of New West Charter Middle School
Responsible Staff:
- Name: José J. Cole-Gutiérrez, Director, Charter Schools
- Office/Division: Innovation and Charter Schools Division
- Telephone No.: (213) 241-2487

BOARD REPORT

Action Proposed: Staff recommends the following action:
Denial of the Renewal Petition of New West Charter Middle School.

Background: Staff recommends that the Los Angeles Unified School District Board of Education (“Board of Education”) deny the renewal charter petition for New West Charter Middle School. Staff also recommends that the Board of Education adopt the Findings of Fact supporting the denial recommendation on file in the Innovation and Charter Schools Division (“ICSD”) and attached to this board report.

New West Charter Middle School (“New West”) serves students in grades 6-8 and is located in Board District 7, Local District 3, at 11625 Pico Boulevard, Los Angeles, 90064. New West Charter Middle School serves approximately 340 students.

New West was granted its initial charter by the State Board of Education in December 2001, after its petition was denied by the LAUSD Board of Education. The LAUSD Board of Education denied the school’s first charter renewal request on May 22, 2007. On appeal, the State Board of Education granted New West Charter Middle School a five-year renewal term ending June 30, 2012.

New West is authorized and overseen by the State Board of Education. Pursuant to Education Code section 47605(k)(3), a charter school that has been granted its charter through an appeal to the state board shall submit its petition for renewal to the governing board of the school district that initially denied the charter petition.
Accordingly, on December 16, 2010, New West submitted its renewal petition to the LAUSD Board of Education. On January 4, 2011, a public hearing was held before the LAUSD Board of Education where the board considered the level of support for New West’s renewal petition. If the LAUSD Board of Education denies the petition for renewal, New West may appeal the denial to the State Board of Education.

Although the school is currently only in the fourth year of its charter term, New West submitted its renewal petition for charter term beginning July 1, 2012. ICSD requested the Charter School Division of the California Department of Education to forward any oversight visit reports generated during the charter school’s current charter term. ICSD staff was informed that no oversight visit has been conducted since 2007.

In accordance with Education Code sections 47605 and 47607, the ICSD considers the following criteria when reviewing renewal petitions submitted by a charter school:

- Confirmation that the charter school’s performance has met the standard criteria under Education Code section 47607(b), also referred to as AB 1137;
- Review of the charter petition to assess the soundness of the educational program; ensure it contains the required affirmations and number of signatures; ensure it contains reasonably comprehensive descriptions of the 16 elements;
- Assessment that the petitioners are demonstrably likely to successfully implement the program;
- Confirmation of the academic, operational, and fiscal soundness of the charter school based on the Charter Schools Division oversight.

While New West has demonstrated strong school-wide API results throughout their current charter term (see below “Summary of School Performance”), New West’s renewal petition did not meet the standards and criteria set forth in Education Code section 47605 because their renewal petition (1) did not support a finding that it is demonstrably likely to successfully implement the program; (2) did not support the required affirmations as required by the Charter Schools Act; and (3) did not contain reasonably comprehensive descriptions of specific elements required under Education Code section 47605(b)(5). The Findings of Fact delineates the specific facts to support the denial findings pursuant to Education Code section 47605(b).
For example, petitioners of the charter school declined to complete questionnaires regarding conflicts of interest. Petitioners also declined to complete documents necessary for the Office of the Inspector General to perform a due diligence review—a standard procedure for all lead petitioners as part of the District’s review process.

Therefore, the Innovation and Charter Schools Division staff recommends denial of the renewal petition and adoption of the attached Findings of Fact. It should be noted that ICSD staff provided the petitioners with feedback from its review and a request to extend the review period 30 days to allow the petitioners the opportunity to present additional information to respond to the District’s questions and concerns. This request was declined by the petitioners.

The renewal petition is available for perusal in the Innovation and Charter Schools Division.

**Expected Outcomes:** New West Charter Middle School is expected to operate its charter school in a manner consistent with local, state, and federal ordinances, laws and regulations and the terms and conditions set forth in its petition. However, as noted in the Findings of Fact, the renewal petition revealed that the petition 1) does not support a finding that it is demonstrably likely to successfully implement the program; (2) does not support the required affirmations as required by the Charter Schools Act; and (3) does not contain reasonably comprehensive descriptions of specific elements required under Education Code section 47605(b)(5).

**Board Options and Consequences:**

“Yes” – The approval of the denial of the renewal petition would terminate the right of New West Charter Middle School to operate as a charter school beginning July 1, 2012. New West Charter Middle School may directly appeal the denial to the California State Board of Education.

“No” – A no vote would require the Board of Education to take an additional action to adopt an alternative position which would include approving the renewal of New West Charter Middle School contrary to the attached Findings of Fact.

**Policy Implications:** The Policy for Charter Schools adopted in 2010.

**Budget Impact:** State Revenue Limit income and various other income sources to the District are reduced when current District students enroll at a charter school, and comparable or offsetting expenditure savings may not occur in such cases.
Under Education Code section 47604(c), a school district that grants a charter to or operates a charter school that is formed as a non-profit public benefit corporation is not held liable for the charter school’s debts or obligations as long as the school district complies with all oversight responsibilities. The District will continue to have monitoring and supervisory responsibility for charter school finances, as specified in the Charter Schools Act. Any modifications to the charter school’s petition or operations with significant financial implications would require District approval prior to implementation. Petition approval is also contingent upon adequate liability insurance coverage.

Under the current Special Education MOU, independent charter schools receive their equitable share of the LAUSD SELPA special education revenue and contribute a percentage of this revenue to cover District special education encroachment costs. Should this school join an alternative SELPA, the district will receive neither the special education revenue from the State for this school nor receive the encroachment contribution.

**Issues and Analysis:** Issues are outlined above and in more detail in the attached Findings of Fact for the Denial of New West Charter Middle School’s Renewal Petition pursuant to Education Code sections 47605(b) and 47607.

**Attachments:**

- [Informative](gacdb-csd-sep11item01)
- [Desegregation Impact Statement](gacdb-csd-sep11item01)
A. SUMMARY OF SCHOOL PERFORMANCE

Summary of Academic Performance Index (API) growth

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Summary of State API rankings

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2009-2010 Annual Yearly Progress

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Respectfully submitted,

RAMON C. CORTINES
Superintendent of Schools

MICHELLE KING
Deputy Superintendent of School Operations

APPROVED & PRESENTED BY:

JOSÉ J. COLE-GUTIÉRREZ
Director, Charter Schools
Innovation and Charter Schools Division

DAVID HOLMQUIST
General Counsel

☐ Approved as to form.

YUMI TAKAHASHI
Budget Director

☐ Approved as to budget impact statement.
The charter review process requires the authorizer to evaluate whether the charter petition meets the criteria for approval.

Education Code Section 47605 (b) states the required petition elements and conditions for denial.

Education Code Section 47605 outlines additional petition criteria.

Education Code Section 47607(a) and (b) outlines criteria for charter renewal.

**Introduction:**
On December 16, 2010, New West Charter Middle School (“New West”) submitted their renewal petition to the Los Angeles Unified School District. On January 4, 2011, a public hearing was held before the LAUSD Board of Education where the board considered the level of support for New West’s renewal petition. On January 11, 2011, after conducting a full review of New West’s renewal petition, the Innovation and Charter Schools Division (“ICSD”) submitted comments for New West to address. On January 13, 2011, New West sent a written reply indicating that it would not make any changes to its renewal petition.

New West is authorized and overseen by the State Board of Education (“SBE”). New West was granted its initial charter on an appeal to the SBE in December 2001. The SBE on appeal also approved the renewal charter petition of New West on June 2007. New West’s current charter expires on June 30, 2012. Pursuant to Education Code section 47605(k)(3), a charter school that has been granted its charter through an appeal to the state board shall submit its petition for renewal to the governing board of the school district that initially denied the charter petition. Accordingly, New West submitted its renewal petition to the LAUSD Board of Education. If the LAUSD Board of Education denies the petition for renewal, New West may petition the SBE for renewal of its charter.

**The Renewal Petition of New West Charter Middle School (“Charter School”) does not meet the criteria under Education Code sections 47605 and 47607.**

Section 47607(a)(2) provides that charter school renewals are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or renewed.

Education Code section 47605(b) outlines the standards and criteria for evaluating a charter petition: A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. Education Code section 47605(b) provides that the governing board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific
to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.

(5) The petition does not contain a reasonably comprehensive description of all required elements.

In addition, a charter school shall meet at least one of the academic performance criteria in section 47607(b) prior to receiving a charter renewal. New West has demonstrated strong school-wide API results as shown below to meet the academic performance criteria:

**Summary of Academic Performance Index (API) growth**

<table>
<thead>
<tr>
<th>Year</th>
<th>API Base</th>
<th>Growth Target</th>
<th>API Growth</th>
<th>Actual Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>835</td>
<td>n/a</td>
<td>867</td>
<td>32</td>
</tr>
<tr>
<td>2008-09</td>
<td>862</td>
<td>n/a</td>
<td>887</td>
<td>25</td>
</tr>
<tr>
<td>2009-10</td>
<td>886</td>
<td>n/a</td>
<td>913</td>
<td>27</td>
</tr>
<tr>
<td>Aggregate Growth</td>
<td>n/a</td>
<td></td>
<td>84</td>
<td></td>
</tr>
</tbody>
</table>

1 The ICSD notes concerns that 2010 API results are based on a tested population that included only eight economically disadvantaged students, one English learner and no students with disabilities. See table below taken from California Department of Education’s Dataquest website.

**Student Subgroups Included in API – actual numbers**

<table>
<thead>
<tr>
<th></th>
<th>2006 API</th>
<th>2007 API</th>
<th>2008 API</th>
<th>2009 API</th>
<th>2010 API</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>English Learners</strong></td>
<td>1</td>
<td>10</td>
<td>0</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td><strong>Socioeconomically Disadvantaged</strong></td>
<td>73</td>
<td>35</td>
<td>49</td>
<td>25</td>
<td>8</td>
</tr>
<tr>
<td><strong>Students with Disabilities</strong></td>
<td>34</td>
<td>30</td>
<td>40</td>
<td>23</td>
<td>0</td>
</tr>
</tbody>
</table>
However, LAUSD’s analysis of the charter petition submitted on December 16, 2010 to LAUSD by New West Charter Middle School warrants denial of the renewal petition based on the following factual findings:

REGARDING #2 ABOVE:
The petitioners are **demonstrably unlikely** to successfully implement the program set forth in the petition:

- Petitioner did not submit board member questionnaires and declined to complete documents necessary for the Office of the Inspector General to perform due diligence background checks to determine whether any concerns exist with regards to the petitioners’ operations of a publically-funded charter school.

- In order to evaluate New West’s ability to fiscally implement their educational program and the school’s financial stability, ICSD requested the petitioner to submit copies of the school’s 2009-2010 audit, 2010-2011 projections, 2011-2012 projections, and the current financials for the school. New West only submitted budgets and cash flows for the 2012-2013 school year and represent projections. The petitioner declined the ICSD’s request to submit the other projections and fiscal audits which New West would have been required to produce to the State Board of Education pursuant to Education Code section 47605(m).

- The petition fails to state an enrollment capacity for the school and instead only vaguely states that there is a demand for their school and an anticipated enrollment of over 600 students for the 2011-2012 school year. Without a specific stated enrollment capacity, New West’s petition fails to support a finding that the school is demonstrably likely to implement the program since ICSD is unable to meaningfully evaluate essential matters such as the budgetary and fiscal viability of the school to operate at the size and scope of the educational program proposed in the charter. Insurance policies, grants/loans, and other related matters that directly and materially affect the charter school's fiscal viability would necessarily need a specific enrollment capacity. In addition, there are other legal and practical considerations related to the charter school that require a clear and specific enrollment capacity. New West has annually submitted facilities requests pursuant to Education Code section 47614 (Proposition 39), and a failure to have a clearly defined enrollment capacity renders it impossible for LAUSD to meaningfully analyze New West's enrollment projections in future facilities requests.

REGARDING #4 ABOVE:
The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.

- Although the petition contains an assurance that a charter school shall admit all pupils who wish to attend the school pursuant to Education Code section 47605(d)(2)(A), Element H of the petition regarding Admission Requirements and the New West Application Packet contain statements that contradict this assurance. Specifically, the Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school. For example, New
West requires a parent to submit their child’s STAR report as part of the application. Requiring a STAR report prior to enrollment is a prerequisite to admission regardless of the school’s intent. While the Application Packet states that test scores will not be used for enrollment purposes, it also states that, “New West recommends that applicants have at least basic grade level skills in reading, writing, and mathematics to be successful with New West’s middle school curriculum.” These statements in New West’s Application Packet indicate that there are prerequisites to admission which are in violation of the assurance that a charter school shall admit all pupils who wish to attend the school.

REGARDING #5 ABOVE:
The petition does not contain a reasonably comprehensive description of all of the elements required in Education Code section 47605 (b) based on the following findings of fact:

**Description of the School’s Educational Program (Element A)**
The petition does not contain a reasonably comprehensive description of the charter school’s educational program.

- Although the petition states that New West adheres to all applicable State and Federal law and Southwest SELPA policies and procedures regarding special education, the Special Education program as described in the renewal petition does not adequately describe what supports will be given to students with moderate to severe disabilities in order for these students to be successful with the college preparatory curriculum of the school.

- There is no assurance in the petition that New West would be subject to the full terms and requirements of the Chanda Smith Modified Consent Decree if it were to be authorized by LAUSD.

**Governance Structure (Element D)**
The petition does not contain a reasonably comprehensive description of the charter school’s governance structure.

- Although the petition contains a statement that New West will comply with the Brown Act, it does not include specifics to indicate how New West will comply with the requirements of the law (notice of meetings, recording of meetings, making minutes available, teleconferencing procedures, etc., to assure participation by the public). For example, New West’s bylaws states that “the Board of Directors may designate that a meeting be held at any place within California that has been designated by resolution of the Board of Directors or in the notice of the meeting.” All meetings of the New West governing board must be conducted within the jurisdictional boundaries of where the school is located to ensure that parents, pupils and the community have access to attend and participate in the meetings.

- While the charter states that the school intends to set up advisory committees, the document fails to identify the composition of each committee, delineate the responsibilities of each committee, and provide assurance that committee meetings will be held and noticed pursuant to the Brown Act.
• Parental Involvement Section:

**Home-School Contract**: New West’s petition states that “agreement to the contract by parents is one of the terms of admission and enrollment each year for students who want to attend New West.” Requiring parents to agree and sign the Home-School Contract contravenes Education Code section 47605(d)(2)(A) which requires a charter school to admit all pupils who wish to attend the school. Admission to New West cannot be contingent upon a parent signing the Home-School Contract.

**Parent Volunteer Requirements**: Petition does not address whether the parent volunteering requirement is a condition of enrollment/continued enrollment. The petition fails to describe whether there are alternative means by which parents can satisfy their volunteer commitment or otherwise opt out of or reduce the commitment due to hardship. The petition contains statement that “New West pays special attention to ensuring that this volunteer requirement does not result in a loss of a diversity of students (i.e. race, ethnicity, or socio-economic),” yet does not explain how this is achieved. In light of the school’s declining ethnic diversity particularly in African American enrollment, this point is especially relevant. New West’s Application Packet requires parents to perform 16 hours of voluntary hours. This could be tantamount to charging tuition. Parents should be encouraged and not mandated to volunteer. Further, the petition should assure that pupils will not be expelled if parents do not fulfill volunteer requirements.

• **Conflict of Interest Policy.** The petition (pg. 46) and Bylaws (pg. 4) provide for “Interested Persons” to sit on the Board. The Bylaws “Article IX – Contracts with Directors” also allows New West to enter into a contract with a director. These provisions conflict with California Government Code Section 1090, which prohibits governing board members from being financially interested in any contract made by them in their official capacity, or by the board of which they are members. A conflict of interest in a contract per Section 1090 results in a void contract and the steps the board may take per the Bylaw Sections will not cure that conflict. An interested board member is conclusively presumed to have “made” the contract for purposes of Section 1090 because he/she is on the board, resulting in a void contract would prohibit any "interested person" from serving on the Board.

• **Governance is further complicated by an examination of the 2009 IRS Form 990 for the organization. Principal/Executive Director Sharon Weir signs the form as an officer but does not appear on the list of board members, officers and employees earning more than $50,000.

2 New West Enrollment by Ethnicity – by percentage

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>23%</td>
<td>24.5%</td>
<td>22%</td>
<td>23%</td>
<td>27%</td>
</tr>
<tr>
<td>African American</td>
<td>31%</td>
<td>21.5%</td>
<td>22.5%</td>
<td>18%</td>
<td>13.5%</td>
</tr>
<tr>
<td>White</td>
<td>34%</td>
<td>33%</td>
<td>41%</td>
<td>48%</td>
<td>46%</td>
</tr>
</tbody>
</table>

*Obtained from the California Department of Education’s Dataquest website.
• Petition does not contain a statement that the members of New West’s executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD’s Charter School policies and regulations regarding ethics and conflicts of interest.

• The petition does not contain a grievance procedure for parents for the prompt and equitable resolution of complaints.

**Employee Qualifications (Element E)**

*The petition does not present a reasonably comprehensive description of employee qualifications.*

While the petition describes qualifications for teachers, the Executive Director/Principal and Assistant Principals of the charter school, the petition fails to identify the general qualifications for other categories of employees the school anticipates to be employed by the charter school. For instance, there is no description of the qualifications of office personnel and other classified staff identified in the petition.

The petition fails to sufficiently acknowledge that the charter school will not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law and that equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

• The petition fails to clearly identify staff selection, hiring, and evaluation processes.

• The petition fails to describe grievance procedures/or rights for employees.

**Health and Safety (Element F)**

*The petition does not present a reasonably comprehensive description of the procedures that the school will follow to ensure the health and safety of pupils and staff.*

• Although the petition contains a statement that New West will follow the same procedures used by the District, it does not include an explanation of the District’s health and safety procedures to indicate an understanding of how New West will provide a safe environment for its students and staff.

• The petition fails to assure that the school’s staff will be trained annually on safety procedures outlined in its policies.

• The petition does not include District’s provisions regarding Insurance and Indemnification to protect the charter school and the District from claims which may arise from its operations.

• **Facilities:** The petition does not completely state health and safety assurances:
➢ The petition fails to state that New West shall comply with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which the charter school is to be located, and the Americans with Disabilities Act (ADA). Applicable codes and ADA requirements shall also apply to the construction, reconstruction, alteration of or addition to the proposed charter school facility.

➢ The petition does not state that it will comply with the Healthy Schools Act, California Education Code Section 17608, which details pest management requirements for schools.

➢ The petition fails to state that the charter school will comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

**Means to Achieve a Reflective Racial and Ethnic Balance (Element G)**

*The petition does not present a reasonably comprehensive description of means for achieving racial and ethnic balance.*

- The petition fails to assure that the charter school shall comply with all requirements of the *Crawford v. Board of Education*, City of Los Angeles court order and the LAUSD Integration Policy adopted and maintained pursuant to the *Crawford* court order, and fails to describe the charter school’s written plan outlining how it would achieve and maintain the LAUSD’s ethnic goal of 70:30 or 30:70 ratio.

- The petition fails to describe how its outreach efforts will attain a racial and ethnic balance at the charter school that is reflective of LAUSD. The petition makes reference to partnering with community groups/agencies on past recruitment efforts but does not provide examples.

- The petition fails to provide specifics of how the charter school provides recruitment brochures in multiple languages to ensure outreach to non-English speaking community members.

- The petition does not contain a statement that New West would accommodate public school choice traveling students under NCLB.

- The lack of specificity and assurance in the petition for achieving racial and ethnic balance is critical given New West’s decline in ethnic diversity particularly in African American enrollment as documented in the California Department of Education’s Dataquest website (see footnote 2 above).

**Admission Requirements (Element H)**

*The petition does not present a reasonably comprehensive description of admission requirements.*
The petition fails to include a reasonably comprehensive description of the manner in which New West will implement a public random drawing in the event that applications for enrollment exceed school capacity. Specifically, the petition fails to address the method the school will use to verify that lottery procedures are fairly executed, the timelines under which the open enrollment period and lottery will occur, the day of the week, date and time lotteries will occur so most interested parties will be able to attend, and the records the school will keep on file to document the fair execution of lottery procedures.

Lottery exemptions and preferences fail to adhere to Education Code section 47605(d)(2)(B):

- The petition lists the category of continuing students as a preference even though continuing students are exempted from the lottery pursuant to Education Code section 47605(d)(2)(B). The petition also imposes requirements in order to “maintain eligibility for this preference” and be deemed an "existing pupil."

- The petition fails to affirm that in the event a public random drawing is implemented, admission priority preference shall be extended to students who reside within LAUSD. Preference for residents of the District is second to the last in order of admission preferences which violates section 47605(d)(2)(B).

- Sibling preferences and Children of Employees are listed as having more priority than LAUSD District students in violation of section 47605(d)(2)(B).

- The petition states that preference for enrollment will be available to applicants who attend or live in the attendance area of Brockton Elementary School and that New West may be available to receive funds through SB 740 Charter School Facility Grant Program if students attend this particular school. Since New West has not produced any documentation that it is eligible to receive these funds including showing that it gives enrollment preference to an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced price meals, this preference is inappropriate.

The Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school. (See Education Code section 47605(d)(2)(A).) For example, New West requires a parent to submit their child’s STAR report as part of the application. New West must accept all pupils who wish to attend, so requiring a STAR report prior to enrollment is a prerequisite to admission regardless of the school’s intent. While the Application Packet states that test scores will not be used for enrollment purposes, it also states that, “New West recommends that applicants have at least basic grade level skills in reading, writing, and mathematics to be successful with New West’s middle school curriculum.” These statements in New West’s Application Packet indicate that there are prerequisites to admission which are in violation of Education Code section 47605(d)(2)(A).

**Annual Audits and Reports (Element I)**
The petition fails to state that the charter school will at all times maintain a funds balance
(reserve) of its expenditures as required by section 15450, Title 5 of the California Code of Regulations.

The petition fails to acknowledge the right of LAUSD to audit the charter school’s books, records, data, processes and procedures through the LAUSD Office of the Inspector General or other means pursuant to LAUSD’s oversight responsibility and fails to assure that the charter school shall cooperate fully with such audits.

**Suspension and Expulsion Procedures (Element J)**

The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures.

- The petition fails to provide a reasonably comprehensive description of the charter school’s student discipline procedures necessary to afford the charter school’s students adequate due process. Clearly described/outlined procedures are necessary to avoid inconsistent, capricious, and unfair student disciplinary practices and necessary to afford students adequate due process. For instance, the petition fails to identify offenses for which students must be suspended/recommended for expulsion, fails to identify student expulsion procedures, and fails to sufficiently address student suspension and expulsion appeal rights.

The petition fails to state the maximum length of a suspension and the maximum number of days students can be suspended in a given academic year.

The petition refers to “required withdrawal” as a discipline consequence distinct from expulsion, yet does not define the term. Students cannot be required to withdraw unless expelled and “required withdrawal” could represent a method of avoiding student due process.

The petition fails to sufficiently address student suspension and expulsion procedures and does not contain reasonably comprehensive description of procedures for investigating and presenting evidence at expulsion hearings. For example, as written, the petition allows the Director/Principal to deny students the ability to call witnesses on his or her behalf.

The petition fails to describe the governing board’s role in expulsion proceedings.

The petition fails to afford students the right to appeal an expulsion finding.

The petition does not provide that written notice for expulsion will include reinstatement eligibility review date, copy of the rehabilitation plan, the type of educational placement during the period of expulsion, and appeal procedures.

The petition does not identify protocol for providing an interim educational placement and services during suspension and pending expulsion proceedings.

The petition fails to sufficiently address the rehabilitation and readmission rights of New West students following expulsion, including failing to provide description of reinstatement application process, what data and information will be considered, timeline, notification and
reasons for denial, appeal rights if not reinstated. The petition on pages 80 and 81 as written also indicates that New West will not allow re-enrollment of expelled students.

In order to assure due process of students enrolled at New West, the petition does not state that students will not face formal discipline for attendance issues such as truancy, tardiness or absences.

The petition does not state that New West will comply with the Federal Gun Free Schools Act.

**Employee Return Rights (Element M)**
The petition contains vague statements as to the return rights of a District employee who chooses to work at New West. The following statement renders an unclear statement to prospective employees:

> “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 Charter School that the District determines to be reasonable and not in conflict with any law.”

**Dispute Resolution Procedures (Element N)**
The dispute resolution procedures described in the petition fail to conform with procedures the District deems necessary for the reasonable resolution of any disputes arising from provisions of the charter, including, but not limited to, written notification of a dispute, scheduling of issue conferences, and mediation and arbitration procedures.

**Closure Procedures (Element P)**

- The petition does not contain or describe applicable procedures regarding charter school revocation.

- The closure procedure in the charter does not sufficiently include procedures for the transfer and maintenance of school and student records, including personnel records.
February 18, 2011

Via Email and Hand Delivery
CZachry@cde.ca.gov

Carolyn Zachry
Charter Schools Division
California Department of Education
1430 N. Street
Sacramento, CA 95814

Re: New West Charter Middle School Response to District Findings for Denial of Charter Renewal Petition

Dear Ms. Zachry:

Our office represents New West Charter Middle School (“New West” or the “Charter School”) in its charter renewal petition first submitted to the Los Angeles Unified School District (the “District”) and then to the State Board of Education (“SBE”). As you are aware, the District denied New West’s charter renewal petition on February 1, 2011. The purpose of this letter is to respond to the District’s findings for denial of the charter renewal petition so that the California Department of Education (“CDE”) has a complete picture of the charter renewal petition and New West’s attempt at renewal by the District.

The District Board meeting to deny the charter renewal petition was very unorthodox. A representative of the Associated Administrators of Los Angeles (“AALA”), with no connection to the Charter School, stated that New West is not held to the same standards as other charter schools within the District. The representative twice highlighted that New West was not treated the same as other District charter schools and that the District’s practice of approving other charters based upon different standards is unfair. Additionally, one District Board member stated that New West was a private school and that she did not want to have anything to do with the Charter School. This defamatory and inflammatory statement was made in public and with the full knowledge that it was untrue and likely deliberately designed to undermine the success of New West. Another District Board member indicated that the District staff report contained inaccuracies about the Charter School, which staff acknowledged, and yet the District Board elected to approve the contents of the report knowing it contained wrong information. Immediately after the unanimous vote to deny the charter petition, another District Board member requested an update on litigation between the Charter School and the District (which, had the update been given during open session, would have been a violation of the Brown Act as it was not agendized as such). There was seemingly no attempt to provide New West with a fair or impartial vote. All of this is
For ease of reference for the CDE, this letter follows the order of the District’s findings for denial, and uses the same headings as those used by the District. The District’s findings are enclosed within text boxes, with the Charter School’s responses immediately following.

**DEMONSTRABLY UNLIKELY TO SUCCEED**

**Finding #1**

Petitioner did not submit board member questionnaires and declined to complete documents necessary for the Office of the Inspector General to perform due diligence background checks to determine whether any concerns exist with regards to the petitioners’ operations of a publically-funded charter school.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language nor follow processes of the District that are outside of legal requirements. There is no legal requirement that the Charter School submit board member questionnaires or complete other documents beyond the charter as demanded by the District. The only mandatory process for renewal is set forth in Education Code Sections 47607 and 47605, which describe the standards and criteria for renewal, including the requirements for the content of the charter which are present in the New West charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

**Finding #2**

In order to evaluate New West’s ability to fiscally implement their educational program and the school’s financial stability, ICSD requested the petitioner to submit copies of the school’s 2009-2010 audit, 2010-2011 projections, 2011-2012 projections, and the current financials for the school. New West only submitted budgets and cash flows for the 2012-2013 school year and represent projections. The petitioner declined the ICSD’s request to submit the other projections and fiscal audits which New West would have been required to produce to the State Board of Education pursuant to Education Code section 47605(m).

As required by law, New West submitted budget information, including cashflow projections and assumptions, along with three-year projections. New West submits its annual audit to the CDE each year, and a copy is on file at the Charter School. New West complied with legal requirements regarding the submission of budgetary documents in accordance with Education Code Section 47605(g), and therefore this finding is an impermissible basis for denial.
Finding #3

The petition fails to state an enrollment capacity for the school and instead only vaguely states that there is a demand for their school and an anticipated enrollment of over 600 students for the 2011-2012 school year. Without a specific stated enrollment capacity, New West’s petition fails to support a finding that the school is demonstrably likely to implement the program since ICSD is unable to meaningfully evaluate essential matters such as the budgetary and fiscal viability of the school to operate at the size and scope of the educational program proposed in the charter. Insurance policies, grants/loans, and other related matters that directly and materially affect the charter school's fiscal viability would necessarily need a specific enrollment capacity. In addition, there are other legal and practical considerations related to the charter school that require a clear and specific enrollment capacity. New West has annually submitted facilities requests pursuant to Education Code section 47614 (Proposition 39), and a failure to have a clearly defined enrollment capacity renders it impossible for LAUSD to meaningfully analyze New West's enrollment projections in future facilities requests.

No law requires that a charter petition state with specificity its enrollment capacity; particularly as capacity is largely dependent upon facilities; and facilities are ultimately dependent upon the projection of students who wish to attend. Indeed, Education Code Section 47605(d) recognizes that enrollment capacity is not necessarily a static number. The charter renewal petition clearly states that the New West Board of Directors will determine capacity.

New West addresses its enrollment capacity on page 54 of the charter renewal petition. As explained in the charter, New West is looking to expand its facilities in order to accommodate student demand, which could rise to approximately 1500 students over the term of this renewal. Accordingly, because the Charter School cannot predict with certainty what its enrollment capacity will be for the term of the renewal charter, it accurately stated the annual demand from students to attend the Charter School. As of now, halfway through the open enrollment period for the 2011-12 school year, over 1000 students have attended open house events to express an interest in attending the Charter School.

**THE PETITION DOES NOT CONTAIN THE REQUIRED AFFIRMATIONS**
Finding #4

Although the petition contains an assurance that a charter school shall admit all pupils who wish to attend the school pursuant to Education Code section 47605(d)(2)(A), Element H of the petition regarding Admission Requirements and the New West Application Packet contain statements that contradict this assurance. Specifically, the Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school. For example, New West requires a parent to submit their child’s STAR report as part of the application. Requiring a STAR report prior to enrollment is a prerequisite to admission regardless of the school’s intent. While the Application Packet states that test scores will not be used for enrollment purposes, it also states that, “New West recommends that applicants have at least basic grade level skills in reading, writing, and mathematics to be successful with New West’s middle school curriculum.” These statements in New West’s Application Packet indicate that there are prerequisites to admission which are in violation of the assurance that a charter school shall admit all pupils who wish to attend the school.

This finding relies exclusively on the content of an appendix to the charter renewal petition, which was intended as an example (see page 50), and not the language of the charter renewal petition itself. Therefore, it is an impermissible basis for denial of the charter renewal petition. As stated by the District, the New West charter renewal petition does contain the required affirmations as specified in Education Code Section 47605(d)(2)(A), and, mostly importantly, New West does not, in practice, have any admission requirements. Furthermore, the District engages in pure speculation and conjecture to make a baseless assumption about how the STAR report is utilized by the Charter School.

The Charter School does request that parents submit a STAR report as part of the application process. The application packet states: “No admission tests are not required. However, you must submit your child’s latest STAR Student Report with the application. … New West is interested in the CSTs because they reflect how well your child has mastered the California state content standards. All information is used post-lottery.” (Emphasis added.)

As indicated in the charter, New West admits students from all over the greater Los Angeles region – covering over 50 unique zip codes. The Charter School has a very difficult time obtaining cumulative files for its students from the sending school districts; to date, New West has not been able to obtain cumulative files for some of its students this year, five months into the school year. The District in particular has repeatedly denied parents a copy of their student’s STAR report. New West receives several complaints from parents every year that District schools are refusing to provide them with STAR testing information despite their understanding that this is their right. The Charter School requests the STAR report as one way to evaluate an admitted student’s academic performance to date, and to help teachers prepare to teach individual students. New West absolutely does not utilize or review STAR reports prior to the public random drawing as a basis for making enrollment decisions, but only utilizes them once students have been enrolled.
LACKS A REASONABLY COMPREHENSIVE DESCRIPTION OF REQUIRED ELEMENTS

Element A

Finding #5

Although the petition states that New West adheres to all applicable State and Federal law and Southwest SELPA policies and procedures regarding special education, the Special Education program as described in the renewal petition does not adequately describe what supports will be given to students with moderate to severe disabilities in order for these students to be successful with the college preparatory curriculum of the school.

This finding exceeds the requirements of law for a reasonably comprehensive description. New West is a member in good standing of the Southwest SELPA, as affirmed by SELPA Director Bob Farran in a letter (Appendix J to the charter). The charter language does not single out how students with any particular disability are served, but rather affirms that highly qualified personnel capability of meeting students’ needs teach students with disabilities. Given the unqualified support from the SELPA and the longstanding, legally-compliant service of students with disabilities at the Charter School, this finding lacks any factual basis and thus is an impermissible basis upon which to deny the charter.

Finding #6

There is no assurance in the petition that New West would be subject to the full terms and requirements of the Chanda Smith Modified Consent Decree if it were to be authorized by LAUSD.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Element D

Finding #7

Although the petition contains a statement that New West will comply with the Brown Act, it does not include specifics to indicate how New West will comply with the requirements of the law (notice of meetings, recording of meetings, making minutes available, teleconferencing procedures, etc., to assure participation by the public). For example, New West’s bylaws states that “the Board of Directors may designate that a meeting be held at any place within California that has been designated by resolution of the Board of Directors or in the notice of the meeting.” All meetings of the New West governing board must be conducted within the jurisdictional boundaries of where the school is located to ensure that parents, pupils and the community have access to attend and participate in the meetings.
Carolyn Zachry  
*Re: New West Charter Middle School Response to District Findings for Denial of Charter Renewal Petition*  
*July 18, 2011*  
*Page 6 of 17*

The Charter School’s Bylaws, attached to the renewal charter as Appendix M, set forth all of the information contained in this finding. The Bylaws also state (Article VII, Section 15, page 5) that Board of Director meetings shall be held at the principal office of the corporation (which is the school site). The District appears to be concerned that the New West Board may hold a meeting outside of District boundaries. While highly unlikely to occur (indeed, the Charter School has never held a meeting off-site), such would be lawful, because, as it is a charter school, New West does not have jurisdictional boundaries like a school district does. Because charter schools must admit any student who resides in California, its jurisdiction is arguably the entire state.

Accordingly, this finding is an impermissible basis for denial of the charter renewal petition. However, should the SBE request an amendment to the Bylaws to limit jurisdiction for purpose of Board meetings, the Charter School would comply with this request.

**Finding #8**

| While the charter states that the school intends to set up advisory committees, the document fails to identify the composition of each committee, delineate the responsibilities of each committee, and provide assurance that committee meetings will be held and noticed pursuant to the Brown Act. |

As identified in the charter on page 39, the New West committee structure evolves and changes each year, based upon needs identified during the annual strategic plan Board retreat. The advisory committees which result from the strategic plan are oriented toward the Charter School’s goals for a particular year, for example fundraising or charter renewal. The committees are truly advisory in nature: the members collect information and report back to the Board in a duly noticed Board meeting which complies with the Brown Act. There is no legal requirement that a charter identify the composition, etc. of such advisory committees; accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

**Finding #9**

| Home-School Contract: New West’s petition states that “agreement to the contract by parents is one of the terms of admission and enrollment each year for students who want to attend New West.” Requiring parents to agree and sign the Home-School Contract contravenes Education Code section 47605(d)(2)(A) which requires a charter school to admit all pupils who wish to attend the school. Admission to New West cannot be contingent upon a parent signing the Home-School Contract. |

Pursuant to a legal opinion issued by the CDE, charter schools may require parents to complete volunteer hour requirements. At New West, the Home-School Contract is a cornerstone of the educational program, and a key factor contributing to the Charter School’s laudable academic success. In its eight years of operation, the Charter School has never encountered any difficulty with a parent of an admitted student not wishing to sign the Home-School Contract. No student has ever been penalized in any way or denied admission due to his or her parent not completing the volunteer hour requirement, and no student will ever be so penalized or denied admission. New West offers myriad opportunities to complete the volunteer hour requirement, including opportunities offered after school, in the evening, on weekends, and during the work day.
Charter School makes individual modifications were needed or requested. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #10

Parent Volunteer Requirements: Petition does not address whether the parent volunteering requirement is a condition of enrollment/continued enrollment. The petition fails to describe whether there are alternative means by which parents can satisfy their volunteer commitment or otherwise opt out of or reduce the commitment due to hardship. The petition contains statement that “New West pays special attention to ensuring that this volunteer requirement does not result in a loss of a diversity of students (i.e. race, ethnicity, or socio-economic),” yet does not explain how this is achieved. In light of the school’s declining ethnic diversity particularly in African American enrollment, this point is especially relevant. New West’s Application Packet requires parents to perform 16 hours of voluntary hours. This could be tantamount to charging tuition. Parents should be encouraged and not mandated to volunteer. Further, the petition should assure that pupils will not be expelled if parents do not fulfill volunteer requirements.

Please see response to Finding #9 immediately above.

The District here points out the Charter School’s “declining ethnic diversity … in African American enrollment,” but fails to mention that it is also experiencing a decline in African American enrollment in its schools. In fact, for its 2010 API growth report, the District’s student population was only 10% African American. New West enrolls a higher percentage of African American students than the District does. Furthermore, due to the public random drawing that it must conduct due to substantial interest in admission to the Charter School, New West is very likely losing some of its diversity because of the public random drawing, which could disproportionately impact population subgroups by random chance.

Finding #11

Conflict of Interest Policy. The petition (pg. 46) and Bylaws (pg. 4) provide for “Interested Persons” to sit on the Board. The Bylaws “Article IX – Contracts with Directors” also allows New West to enter into a contract with a director. These provisions conflict with California Government Code Section 1090, which prohibits governing board members from being financially interested in any contract made by them in their official capacity, or by the board of which they are members. A conflict of interest in a contract per Section 1090 results in a void contract and the steps the board may take per the Bylaw Sections will not cure that conflict. An interested board member is conclusively presumed to have “made” the contract for purposes of Section 1090 because he/she is on the board, resulting in a void contract would prohibit any "interested person" from serving on the Board.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.
Additionally, it is the legal opinion of our counsel that Government Code Section 1090 does not apply to charter schools. We believe that District staff has reached this conclusion based upon an erroneous interpretation of the relevant law.

Pursuant to Education Code Section 47610, charter schools are exempt from “the laws governing school districts,” with only a few minor exceptions, not applicable here. This Section is known as the “mega-waiver.” School districts themselves are not directly governed by Government Code Section 1090. Absent Education Code Section 35233, which directs school district governing boards to comply with Government Code Section 1090, the provisions of Section 1090 would not apply to school districts.

As it is only through Education Code Section 35233 that Government Code Section 1090 applies to school districts, charter schools are necessarily exempt from Section 1090 by virtue of the “mega-waiver” described above. Since Education Code Section 35233, by its terms, does not apply to charter schools, and no other California statute states that Section 1090 applies to charter schools, there is no statute that applies Government Code Section 1090 to charter schools. The Legislature is presumed to have been aware of Education Code Section 35233 when it enacted the Charter Schools Act. It made no exception in the “mega-waiver” for Section 1090 when it adopted Education Code Section 47610, although it expressly made a number of other exceptions. Thus, Section 1090 is not applicable to charter schools.

Further, the Legislature attempted to make the substantive requirements of Section 1090 applicable to charter schools by voting to approve Assembly Bill (“AB”) 572 in the most recent legislative session. However, on September 23, 2010, Gov. Arnold Schwarzenegger vetoed AB 572, which would have made the Ralph M. Brown Act (or, in some instances, the Bagley-Keene Open Meeting Act), California Public Records Act (“CPRA”), the Political Reform Act of 1974, and California Government Code section 1090 expressly applicable to charter schools. The Governor noted in his veto message, “Repeatedly, charter schools with high proportions of disadvantaged students are among the highest performing public schools in California. Any attempt to regulate charter schools with incoherent and inconsistent cross-references to other statutes is simply misguided. … Legislation expressing findings and intent to provide ‘greater autonomy to charter schools’ may be well intended at first glance. A careful reading of the bill reveals that the proposed changes apply new and contradictory requirements, which would put hundreds of schools immediately out of compliance, making it obvious that it is simply another veiled attempt to discourage competition and stifle efforts to aid the expansion of charter schools.”

Had it been the case that Government Code Section 1090 clearly applied to charter schools, then the Legislature would not have drafted or passed AB 572. We believe it is even clearer now, after the veto of AB 572, that Section 1090 does not apply to charter schools.

Finding #12

Governance is further complicated by an examination of the 2009 IRS Form 990 for the organization. Principal/Executive Director Sharon Weir signs the form as an officer but does not appear on the list of board members, officers and employees earning more than $50,000.
New West’s fiscal and financial reporting processes are guided by the advice of two external auditors. In eight years of operation, the Charter School has always achieved a clean financial audit. The Executive Director/Principal is the *de facto* Chief Executive Officer of the Corporation, and, as such, is an officer. The Charter School will review its processes with its auditors to ensure compliance with IRS regulations.

**Finding #13**

The petition does not contain a statement that the members of New West’s executive board, any administrators, managers, or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD’s Charter School policies and regulations regarding ethics and conflicts of interest.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

**Finding #14**

The petition does not contain a grievance procedure for parents for the prompt and equitable resolution of complaints.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

**Element E**

**Finding #15**

While the petition describes qualifications for teachers, the Executive Director/Principal and Assistant Principals of the charter school, the petition fails to identify the general qualifications for other categories of employees the school anticipates to be employed by the charter school. For instance, there is no description of the qualifications of office personnel and other classified staff identified in the petition.

A charter petition must contain employment qualifications for *key* charter school employees pursuant to Section 11967.5.1 of Title 5 of the California Code of Regulations. The New West charter meets this requirement. The Charter School’s employee handbook, which is on file at the school site and available for inspection, contains qualifications for all employees. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.
Finding #16

The petition fails to sufficiently acknowledge that the charter school will not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law and that equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

- The petition fails to clearly identify staff selection, hiring, and evaluation processes.
- The petition fails to describe grievance procedures/or rights for employees.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Element F

Finding #17

Although the petition contains a statement that New West will follow the same procedures used by the District, it does not include an explanation of the District’s health and safety procedures to indicate an understanding of how New West will provide a safe environment for its students and staff.

The charter renewal petition only states that New West will follow the same procedures used by the District with regard to child abuse reporting. The statement in no way applies to any other facet of health and safety policies and procedures. A summary of health and safety procedures is provided on pages 45-47 of the charter, and the full policies and procedures are on file at the Charter School site. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #18

The petition fails to assure that the school’s staff will be trained annually on safety procedures outlined in its policies.

An assurance that the staff of a charter school will be trained annually on safety procedures is not a required element of a charter petition. Nevertheless, New West does conduct annual training for its staff. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #19

The petition does not include District’s provisions regarding Insurance and Indemnification to protect the charter school and the District from claims which may arise from its operations.
This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition.

Nevertheless, on page 66 of the renewal charter, New West states that it will enter into an MOU with the authorizer whereby it will indemnify the authorizer for the actions of the Charter School under the charter. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #20

Facilities: The petition does not completely state health and safety assurances:

- The petition fails to state that New West shall comply with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which the charter school is to be located, and the Americans with Disabilities Act (ADA). Applicable codes and ADA requirements shall also apply to the construction, reconstruction, alteration of or addition to the proposed charter school facility.
- The petition does not state that it will comply with the Healthy Schools Act, California Education Code Section 17608, which details pest management requirements for schools.
- The petition fails to state that the charter school will comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Element G

Finding #21

The petition fails to assure that the charter school shall comply with all requirements of the Crawford v. Board of Education, City of Los Angeles court order and the LAUSD Integration Policy adopted and maintained pursuant to the Crawford court order, and fails to describe the charter school’s written plan outlining how it would achieve and maintain the LAUSD’s ethnic goal of 70:30 or 30:70 ratio.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School
include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #22

The petition fails to describe how its outreach efforts will attain a racial and ethnic balance at the charter school that is reflective of LAUSD. The petition makes reference to partnering with community groups/agencies on past recruitment efforts but does not provide examples.

The contents of Element 7 of the charter renewal petition are reasonably comprehensive and thus meet legal requirements. New West does make a concerted effort every year to reach out to underserved communities; indeed, documentation of these efforts are on file at the school site. It bears mention that the District has apparently instructed its elementary schools to prohibit New West from attending information or recruiting events at their sites. The District bars the Charter School from access to students, which could have an impact on New West’s overall diversity.

Finding #23

The petition fails to provide specifics of how the charter school provides recruitment brochures in multiple languages to ensure outreach to non-English speaking community members.

This finding exceeds the requirements of law, and is therefore an impermissible basis for denial of the charter renewal petition. New West does have Spanish language interpreters on staff who provide assistance for families as needed.

Finding #24

The petition does not contain a statement that New West would accommodate public school choice traveling students under NCLB.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #25

The lack of specificity and assurance in the petition for achieving racial and ethnic balance is critical given New West’s decline in ethnic diversity particularly in African American enrollment as documented in the California Department of Education’s Dataquest website.

Please see response to “Parent Volunteer Requirements” above. The New West charter renewal petition meets the requirements of law in this, and all other areas.
Element H

Finding #26

The petition fails to include a reasonably comprehensive description of the manner in which New West will implement a public random drawing in the event that applications for enrollment exceed school capacity. Specifically, the petition fails to address the method the school will use to verify that lottery procedures are fairly executed, the timelines under which the open enrollment period and lottery will occur, the day of the week, date and time lotteries will occur so most interested parties will be able to attend, and the records the school will keep on file to document the fair execution of lottery procedures.

This finding exceeds the requirements of law for a reasonably comprehensive description. As all of the occurrences in the District’s example are likely to change or evolve on an annual basis, they are items better left to an admissions policy or Application Packet, which is what New West does. The Application Packet, attached as Appendix N, details the process for the public random drawing. The Application Packet is available at the school site for any interested families, and it is distributed at all enrollment events. Additionally, the Charter School produces a podcast, posted on its website, to describe the admissions and enrollment process. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #27

Lottery exemptions and preferences fail to adhere to Education Code section 47605(d)(2)(B):

- The petition lists the category of continuing students as a preference even though continuing students are exempted from the lottery pursuant to Education Code section 47605(d)(2)(B). The petition also imposes requirements in order to “maintain eligibility for this preference” and be deemed an "existing pupil."
- The petition fails to affirm that in the event a public random drawing is implemented, admission priority preference shall be extended to students who reside within LAUSD. Preference for residents of the District is second to the last in order of admission preferences which violates section 47605(d)(2)(B).
- Sibling preferences and Children of Employees are listed as having more priority than LAUSD District students in violation of section 47605(d)(2)(B).
- The petition states that preference for enrollment will be available to applicants who attend or live in the attendance area of Brockton Elementary School and that New West may be available to receive funds through SB 740 Charter School Facility Grant Program if students attend this particular school. Since New West has not produced any documentation that it is eligible to receive these funds including showing that it gives enrollment preference to an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced price meals, this preference is inappropriate.

This finding misinterprets applicable law. While Education Code Section 47605(d)(2)(B) does require an admissions preference in the event of the lottery for residents of the District, it does not specify that such preference must exceed all other admissions preferences. Given the extraordinary demand for admission to New West, if the Charter School gave top admission
preference to residents of the District, it is very likely that siblings of enrolled students would not gain admission, thus splitting up families and creating a burden that the law did not intend. All other preferences would get swallowed by the larger District preference. Furthermore, the Charter does give, and has given, an admissions preference for the purposes of SB 740. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #28
The Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school. (See Education Code section 47605(d)(2)(A).) For example, New West requires a parent to submit their child’s STAR report as part of the application. New West must accept all pupils who wish to attend, so requiring a STAR report prior to enrollment is a prerequisite to admission regardless of the school’s intent. While the Application Packet states that test scores will not be used for enrollment purposes, it also states that, “New West recommends that applicants have at least basic grade level skills in reading, writing, and mathematics to be successful with New West’s middle school curriculum.” These statements in New West’s Application Packet indicate that there are prerequisites to admission which are in violation of Education Code section 47605(d)(2)(A).

Please see response to Finding #3 above.

Element I

Finding #29
The petition fails to state that the charter school will at all times maintain a funds balance (reserve) of its expenditures as required by section 15450, Title 5 of the California Code of Regulations.

New West maintains a more than adequate budgetary reserve, as identified in its budget, attached to the charter as Appendix P. No law requires that a charter petition must state that a charter school will at all times maintain a funds balance. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #30
The petition fails to acknowledge the right of LAUSD to audit the charter school’s books, records, data, processes and procedures through the LAUSD Office of the Inspector General or other means pursuant to LAUSD’s oversight responsibility and fails to assure that the charter school shall cooperate fully with such audits.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.
Element J

Finding #31

The petition fails to provide a reasonably comprehensive description of the charter school’s student discipline procedures necessary to afford the charter school’s students adequate due process. Clearly described/outlined procedures are necessary to avoid inconsistent, capricious, and unfair student disciplinary practices and necessary to afford students adequate due process. For instance, the petition fails to identify offenses for which students must be suspended/recommended for expulsion, fails to identify student expulsion procedures, and fails to sufficiently address student suspension and expulsion appeal rights.

The District makes a number of findings regarding the Charter School’s suspension and expulsion policy and procedures. This response addresses all such findings. Charter schools are not required to comply with Education Code Section 48900, which address pupil suspension and expulsion from traditional public schools, but charter schools must provide due process to students facing discipline. New West has duly adopted a suspension and expulsion policy which legally comports with due process requirements. In addition, the Charter School has implemented a multi-step process for student discipline which is spelled out and memorialized in a series of forms which are given to parents at each stage in the process. This procedure also meets legal requirements for due process and all requirements of Section 11967.5.1 of Title 5 of the California Code of Regulations. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Element M

Finding #32

The petition contains vague statements as to the return rights of a District employee who chooses to work at New West. The following statement renders an unclear statement to prospective employees:

“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 Charter School that the District determines to be reasonable and not in conflict with any law.”

The quoted language above has been approved by school districts and county offices of education all around the state, as well as by the State Board of Education, as legally sufficient. Despite the District’s assertion to the contrary, the charter language is understandable and reasonably comprehensive. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.
Element N

Finding #33

The dispute resolution procedures described in the petition fail to conform with procedures the District deems necessary for the reasonable resolution of any disputes arising from provisions of the charter, including, but not limited to, written notification of a dispute, scheduling of issue conferences, and mediation and arbitration procedures.

The charter language in this element has been approved by school districts and county offices of education all around the state, as well as by the State Board of Education, as legally sufficient. Despite the District’s assertion to the contrary, the charter explicitly addresses written notification of a dispute, conferences, and mediation, all on page 58 of the charter renewal petition. Accordingly, this finding is an impermissible basis for denial of the charter renewal petition.

Element P

Finding #34

The petition does not contain or describe applicable procedures regarding charter school revocation.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b), and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

Finding #35

The closure procedure in the charter does not sufficiently include procedures for the transfer and maintenance of school and student records, including personnel records.

This finding is exclusively based on the fact that the New West charter renewal petition did not contain District boilerplate language. There is no legal requirement that the Charter School include boilerplate language demanded by the District. The only mandatory language within a charter petition is that set forth in Education Code Section 47605(b) and with regard to closure as required in the California Code of Regulations, and all of those requirements are present in the charter renewal petition. Therefore, this finding is an impermissible basis for denial of the charter renewal petition.

* * *
Given the District Board’s treatment of New West as described above, and the myriad legally impermissible findings for denial prepared by District staff, it is clear that the District is vehemently opposed to serving as the authorizer for the Charter School. New West has been a model State Board of Education approved charter school since 2003, with its exceptional academic performance, status as a California Distinguished School, and ongoing cooperative relationship CDE staff, and looks forward to continuing this positive relationship.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

LISA A. CORR
ATTORNEY AT LAW

JANELLE A. RULEY
ATTORNEY AT LAW
## Applicant Information

Applicant’s Name _______________________________ Sex ______  Applying for: 6th 7th 8th

Age _______ Date of Birth ____________ Place of Birth _______________________________

Home Address _______________________________ Home Phone __________________________

City _______________________________ State ________________ Zip Code _____________

Applicant lives with (circle) -- both parents  mother  father  other (explain): ____________________

## Parent/Guardian Information

### Mother/Guardian

Name _______________________________

Home Address (if different than applicant’s)

Street Address, Apartment #

City, State, Zip Code

Home Phone _____________________________

Cell Phone ______________________________

*E-mail ________________________________

Occupation ______________________________

### Father/Guardian

Name _______________________________

Home Address (if different than applicant’s)

Street Address, Apartment #

City, State, Zip Code

Home Phone _____________________________

Cell Phone ______________________________

*E-mail ________________________________

Occupation ______________________________
Q OPEN HOUSE ATTENDANCE
I attended a New West open house on ____________________________.

Q ACADEMIC INFORMATION
Current School ____________________________ Grades Attended ________
Example K-5
Previous School ____________________________ Grades Attended ________
Example K-5
What is the applicant’s home middle school?
________________________________________

Q PARENT/GUARDIAN SIGNATURES
Your signature below indicates that you have read, understood, and/or agreed to New West’s admission and enrollment policies, and that you agree to the conditions of the Home-School Contract including 16 hours of volunteer work per family.

Mother’s Signature Date Father’s Signature Date

PLEASE ENSURE BOTH PARENTS SIGN.

APPLICATIONS ARE NOT ACCEPTED UNLESS COMPLETE AND HAND-DELIVERED TO THE SCHOOL.
ITEM 8
NEW WEST CHARTER MIDDLE SCHOOL: MATERIAL REVISION REQUEST TO EXPAND FROM GRADES SIX THROUGH EIGHT TO GRADES SIX THROUGH TWELVE SCHOOL AND TO CHANGE LOCATION OF THE SCHOOL.

RECOMMENDATION

The California Department of Education (CDE) and The Advisory Commission on Charter Schools (ACCS) recommends the State Board of Education (SBE) hold a public hearing and approve the material revision request for New West Charter Middle School (NWCMS) to add grades nine through twelve and change the location of the school effective July 1, 2012.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

NWCMS was authorized by the SBE after the school was denied by the Los Angeles Unified School District (Los Angeles USD) and the Los Angeles County Office of Education. In its December 2001 meeting, the SBE approved the NWCMS charter for an initial period of three years (2002–03 through 2004–05). However, for a variety of reasons principally related to facilities and special education, the school's opening was delayed to 2003–04. Therefore, in November 2004, the SBE adjusted the initial three-year charter approval period to end June 30, 2006. In March 2006, the SBE approved a material amendment to NWCMS’s charter extending the initial charter approval period to a fourth year (2006–07), thus bringing it to an end on June 30, 2007. In May 2007, another provisionary one–year extension (July 1, 2007 through June 30, 2008) was approved by the SBE if NWCMS was not renewed by the Los Angeles USD by June 30, 2007. NWCMS was denied renewal by Los Angeles USD and in July 2007, the SBE renewed the charter for the period of July 1, 2007 through June 30, 2012. The NWCMS has been an SBE-authorized charter school for eight years and serves students in grades six through eight. At the September 2011 meeting, the SBE will consider a renewal for NWCMS for July 1, 2012, through June 30, 2017.

SUMMARY OF KEY ISSUES

The NWCMS charter petition approved by the SBE in 2001 was for a sixth through eighth grade program. This request for a material revision would amend the charter to expand to a sixth through twelfth grade school and change the name to New West
SUMMARY OF KEY ISSUES (Cont.)

Charter (NWC). NWCMS also requests to relocate the school to a new facility to accommodate the additional grade levels and students that the material revision includes. NWCMS currently has approximately 332 students. The school anticipates full enrollment in 2015–16 as 875. Table 1 describes the estimated enrollment for the next four years.

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</tr>
<tr>
<td>Twelfth Grade</td>
</tr>
<tr>
<td>Total Enrollment</td>
</tr>
<tr>
<td>Teachers</td>
</tr>
</tbody>
</table>

In addition to expanding the grade levels served, NWCMS is proposing to relocate to a new 50,000 square–foot facility located at 1905–1915 Armacost Avenue, Los Angeles, California 90025. The 2000 United States Census data demonstrates that this location will allow NWCMS to increase in diversity and to serve greater numbers of English learners (EL) and socioeconomically disadvantaged students. Table 2 compares the census zip code data for the current location and the proposed new location.
SUMMARY OF KEY ISSUES (Cont.)

The NWCMS material revision request includes the high school education program details. The high school education program will build on the current middle school program centered on a small learning community with high standards. Instruction will include integration of subject areas through project based learning, differentiated instruction, and real world experiences. Students will complete courses that meet “a-g” standards, and students will exceed the California graduation requirements including four years of English, four years of mathematics, three years of social science, three years of science, two years of a foreign language, two years of a visual or performing art, and two years of college–preparatory electives. In addition, each student will be required to pass the California High School Exit Examination and annually prepare and present a digital portfolio on the student’s pathway to graduation and college. NWCMS will also seek Western Association of Schools and Colleges accreditation.

The NWCMS material revision request to change school locations is expected to increase the number of EL and socioeconomically disadvantaged students attending the school. NWCMS is prepared to meet the needs of these students through differentiated curriculum, tutoring, Specially Designed Academic Instruction in English techniques and/or sheltered English. Teachers are provided professional development on instructional strategies and programs for EL students.

On a 2011 CDE staff visit to the school, parents and the board of NWCMS expressed a high interest in expanding the school to include high school grades. Based on the level of interest exhibited by parents, the information provided by NWCMS, review of the school’s academic performance compared to the performance of local schools (Table 3), a review of the high school education program and high school measurable student outcomes, the CDE recommends that the NWCMS request to expand to include grades six through twelve and relocate as reflected in the revised amendment be approved.

| Table 2: Demographic Data by Zip Code for NWCMS Current Location and Proposed Location |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
|                                 | White  | Black/African American | Asian  | Hispanic/Latino | Two or more races | Families with children under 18 below poverty line | Spanish Speaker ages 5–17 who “Speak English ‘not well’ or ‘not at all’” |
| Current Location 90064          | 72.3   | 2.5                    | 14     | 15.8            | 4.3               | 8.5                        | 10.3                        |
| Proposed Location 90025         | 66.1   | 3.1                    | 16.9   | 7.7             | 15.9              | 14.3                       | 27.0                        |

Data is percentage of the total population of the zip code area.
2000 United States Census Data retrieved by American Fact Finder June 6, 2011
### Table 3: Academic Data for New West Charter Middle School and Surrounding Schools Middle and High Schools within the Los Angeles USD

<table>
<thead>
<tr>
<th></th>
<th>NWCMS</th>
<th>Emerson MS</th>
<th>Revere MS</th>
<th>Webster MS</th>
<th>Palisades Charter HS</th>
<th>Venice Senior High</th>
<th>Animo Venice Charter High</th>
<th>University Senior High</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2009 Base API/2010 Growth API (Growth)</strong></td>
<td>886/913 (27)</td>
<td>707/714 (7)</td>
<td>846/852 (6)</td>
<td>645/658 (13)</td>
<td>820/819 (-1)</td>
<td>705/694 (-11)</td>
<td>728/739 (11)</td>
<td>671/679 (8)</td>
</tr>
<tr>
<td><strong>2010 Statewide/Similar Schools Rank</strong></td>
<td>10/9</td>
<td>3/1</td>
<td>9/3</td>
<td>1/3</td>
<td>9/8</td>
<td>3/3</td>
<td>5/9</td>
<td>3/3</td>
</tr>
<tr>
<td><strong>2009 Graduation Rate</strong></td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>85.59</td>
<td>72.94</td>
<td>91.36</td>
<td>67.91</td>
</tr>
</tbody>
</table>

#### Adequate Yearly Progress (AYP) Data

<table>
<thead>
<tr>
<th>Met AYP Criteria (Criteria Met/Applicable Criteria)</th>
<th>Yes 13/13</th>
<th>No 17/29</th>
<th>No 26/33</th>
<th>No 17/25</th>
<th>No 23/25</th>
<th>No 6/18</th>
<th>Yes 17/17</th>
<th>No 12/20</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2010–11 Program Improvement (PI) Status</strong></td>
<td>Not in PI</td>
<td>Year 5</td>
<td>Not in PI</td>
<td>Year 5</td>
<td>Year 1</td>
<td>Year 4</td>
<td>Not in PI</td>
<td>Year 5</td>
</tr>
<tr>
<td>% Proficient English Language Arts (ELA)</td>
<td>85.8</td>
<td>47.2</td>
<td>71.6</td>
<td>34.4 SH</td>
<td>71.5</td>
<td>50.1</td>
<td>50.0 SH</td>
<td>39.8</td>
</tr>
<tr>
<td>% Proficient Mathematics</td>
<td>63.9</td>
<td>31.5</td>
<td>64.1</td>
<td>19.9</td>
<td>72.3</td>
<td>50.5</td>
<td>54.1 SH</td>
<td>39.4</td>
</tr>
</tbody>
</table>

Data retrieved from Data Quest June 27, 2001

**AYP Target Percent Proficient 2009–10:** Elementary and middle schools: ELA 56.8 percent, mathematics 58 percent; high school ELA 55.6 percent, mathematics 54.8 percent

**SH = Passed by safe harbor:** The school, Local Education Agency (LEA), or subgroup met the criteria for safe harbor, which is an alternate method of meeting the Annual Measurable Objective if a school, an LEA, or a subgroup shows progress in moving students from scoring at the below proficient level to the proficient level.
### SUMMARY OF KEY ISSUES (Cont.)

#### Table 4: Demographic Data for Surrounding Los Angeles USD Schools for NWCMS Proposed Location

<table>
<thead>
<tr>
<th>Demographics</th>
<th>Brockton Elementary</th>
<th>Sterry Elementary</th>
<th>Charnock Road Elementary</th>
<th>Emerson Middle School</th>
<th>Revere Middle School</th>
<th>Webster Middle School</th>
<th>Animo Venice Charter High</th>
<th>University Senior High</th>
<th>Palisades Charter High</th>
<th>Venice Senior High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Enrollment</td>
<td>276</td>
<td>355</td>
<td>347</td>
<td>869</td>
<td>2,153</td>
<td>706</td>
<td>562</td>
<td>2,233</td>
<td>2,887</td>
<td>2,587</td>
</tr>
<tr>
<td>Percentage of Black or African American</td>
<td>6.5</td>
<td>11</td>
<td>13</td>
<td>17</td>
<td>16</td>
<td>28</td>
<td>6</td>
<td>18.5</td>
<td>17</td>
<td>9.5</td>
</tr>
<tr>
<td>Percentage of Hispanic or Latino</td>
<td>74</td>
<td>71</td>
<td>63</td>
<td>54</td>
<td>26</td>
<td>62</td>
<td>87</td>
<td>60</td>
<td>26</td>
<td>69</td>
</tr>
<tr>
<td>Percentage of Asian, Not Hispanic</td>
<td>4.3</td>
<td>2.5</td>
<td>10</td>
<td>6</td>
<td>9</td>
<td>1.8</td>
<td>&gt;1</td>
<td>10</td>
<td>8.6</td>
<td>6</td>
</tr>
<tr>
<td>Percentage of Socioeconomically Disadvantaged</td>
<td>84</td>
<td>74</td>
<td>72</td>
<td>60</td>
<td>20</td>
<td>73</td>
<td>88</td>
<td>71</td>
<td>35</td>
<td>56</td>
</tr>
<tr>
<td>Percentage of English Learners</td>
<td>62</td>
<td>51</td>
<td>56</td>
<td>33</td>
<td>14</td>
<td>38</td>
<td>53</td>
<td>41</td>
<td>3.4</td>
<td>42</td>
</tr>
<tr>
<td>Percentage of Special Education</td>
<td>12</td>
<td>17</td>
<td>11</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td>9</td>
<td>9</td>
<td>12</td>
</tr>
</tbody>
</table>

Data from 2010–11 California Longitudinal Pupil Achievement Data System, Retrieved July 13, 2011
SUMMARY OF KEY ISSUES (Cont.)

The NWCMS material revision was considered by the ACCS on July 28, 2011. By a vote of 6 to 0, with 1 abstention the ACCS recommended that the SBE approve the material revision of NWCMS.

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.

The proposed budget submitted for NWCMS’s material revision, enrollment and average daily attendance projections are reasonably projected. Revenues and expenditures are budgeted conservatively and reflect appropriate increases for anticipated growth. The budget supports significant costs associated with the school’s move to its new facility while maintaining the recommended levels of reserve consistent with a district of similar size. CDE has confidence that the school can successfully expand to serve grades nine through twelve and maintain its trend of financial stability.

ATTACHMENTS

Attachment 1: New West Charter High School (94 Pages)

Attachment 2: New West Expansion Financials (12 Pages)
NEW WEST CHARTER HIGH SCHOOL

DOORS TO OPEN 2012
ELEMENT A: DESCRIPTION OF THE EDUCATIONAL PROGRAM

“New West has been an amazing school. My daughter is graduating this year and I must say that I am going to miss the school, the teachers and the staff. The entire 3 years that my daughter has attended has been academically challenging for her, yet she has excelled in each and every subject. I just wish that she could continue with their rigorous program beyond middle school.”

Parent Review, 2010

New West Charter Vision
New West Charter High School (NWCHS) is a promising vision of a driven, academic family whose central objective is to continue to inspire and prepare all students to continue education after high school at a four-year university. Beginning in 1999, New West Founders worked tirelessly to create a small, high quality, public middle school on the Westside of Los Angeles and having accomplished that small feat, these same individuals now want to give birth to a most desired, much needed public high school cultured on the same foundation and standards. This vision shall be an extension of New West Charter Middle School’s vision, which produced a model middle school that combined proven best practices and cutting-edge innovations to teach children most effectively. This current practice, developed through the efforts of a dedicated and creative family of students, staff, parents and community supporters, will continue to produce a school culture with elevated academic, social and professional expectations and achievement indicators. The goals for a high school, then, are to one, to re-locate operations for both a middle and high school (6-12th grade) to a new 50,000 square feet location at 1905-1915 Armacost Avenue, Los Angeles, CA 90025; and two, to further strengthen the academic standards and opportunities on campus, operate economically and efficiently, be responsive to the needs of our student body and parents, reward excellence in instruction, rise to the technology and the times in which we live, and promote character and personal values in our students.

With all this in mind, NWCHS is a small Learning community with standards for high school graduation higher than State requirements and a system of providing personalized learning experiences for students that supports individual goals and learning styles. It is a multicultural environment pledged to continue its blend of traditional academic subjects with real world, technical applications, critical thinking skills, and nourishing independent scholars at a secondary level. The high school’s Guiding Principles will be the same as New West Charter Middle School’s, which are: 1) The students are the school’s number one priority and guiding principles; 2) Strong character development, honesty, respect and integrity for all members of the NWCHS community; 3) Academic rigor and excellence throughout the four years of academia and beyond; 4) Student, Parent & New West Faculty & staff accountability to NWCHS vision; and 5) A joyous, memorable and yet, scholarly environment students will contribute to, bask in and be
It is the academic family’s intent to support the learning environment we create and emphasize academic progress as well as academic success. We wish to sustain our nurturing school environment that reflects cultural diversity and transformation that responds to special needs, is safe, interactive, and emphasizes service and leadership among students, staff and parents.

The shareholders of NWCHS understand that in this endeavor we will continue to recognize the crucial role of both traditional and leading-edge educational techniques as we seek to meet the needs of the able and the gifted, as well as developing and special needs students. As an independent charter school program, NW has been able to and will continue to make the necessary changes to meet our students’ needs. Through the outstanding leadership of our Executive Director and administration, and the talents of our effective teaching staff, and excellent classified employees, we are progressively building a middle school model that has become a design for others in public education who seek solutions in today’s world and we view this charter high school as an ongoing opportunity to develop new ideas and experiment with educational approaches.

Naturally, it is to be expected, even encouraged, that NWCHS’s education program evolves over time as the Charter School’s educators determine that it would be best to add, delete, or revise various policies, procedures, or practices in the best interests of the Charter School’s students. Accordingly, the role of the Educational Study Panel is now filled by the Charter School’s Executive Director/Principal, Assistant Principal and teaching staff as part of their regular duties and ongoing professional development activities. NWCHS intends to continue learning from other successful charter high schools, such as High Tech High Los Angeles, Granada Hills Charter High School, Animo Venice Charter High School and Summit View High School, as well as from its own experiences in order to maintain and further improve a high level of student learning and to enable pupils to become self-motivated, competent, lifelong learners.

We want to continue to have enough flexibility to make other important modifications in the future. The roadmap of this element will continue to help us reach our vision of preparing all our students for a successful future. We have a long-standing and steadfast commitment to school reform and improvement, and have proven so with the consistent rise of our AYP scores each year at the middle school level. By granting New West a high school charter, we reaffirm our commitment to a rigorous and relevant high school experience for all students. We will foster a high school environment with elevated standards of behavior, dress, and respect for authority. We will have a school curriculum and schedule that supports academic success for all students. We have an educational program that tests and verifies, tutors and reviews, in an effort to “leave no child behind.”

We continue to be accountable and responsible for the way we use time. We have considered different configurations of the school day. We continue to serve our community and provide opportunity enrollment for students who may live outside of our residential area while maintaining our current diverse ethnic balance. We examine our facilities and our school community on an ongoing basis so that our campus is not dangerously overcrowded or under supervised.
# NEW WEST CHARTER HIGH SCHOOL’S GRADUATION REQUIREMENTS

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>NWCHS</th>
<th>CA REQ</th>
<th>UC REQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>4 years = Freshman 9, Freshman Composition or Enriched Composition, World Literature, American Literature, Advanced Composition &amp; British Literature</td>
<td>3 years</td>
<td>4 years</td>
</tr>
<tr>
<td>Mathematics</td>
<td>4 years = Algebra, Geometry, Algebra II, Trig/Pre-Calculus, Calculus, &amp; Probability &amp; Statistics</td>
<td>2 years</td>
<td>4 years</td>
</tr>
<tr>
<td>Social Sciences</td>
<td>3 years = World History, United States History, American Government &amp; Economics</td>
<td>3 years</td>
<td>3 years</td>
</tr>
<tr>
<td>Sciences</td>
<td>3 years = Biology, Chemistry, Physics, Health, Environmental Science</td>
<td>2 years</td>
<td>3 years</td>
</tr>
<tr>
<td>Foreign Language</td>
<td>2 years = Spanish 1 A/B; Spanish 2 A/B. Other languages will be available according to student interest.</td>
<td>1 year of FL or VPA</td>
<td>2 - 3 years</td>
</tr>
<tr>
<td>Visual/Performing Arts</td>
<td>2 years = Photography 1 A/B; Photography 2 A/B, Music, Drama, Advanced Acting A/B, Painting A/B. This category of electives will be determined according to student interest and staff recruitment.</td>
<td>1 year of FL or VPA</td>
<td>1 year</td>
</tr>
<tr>
<td>College Preparatory Electives</td>
<td>2 years = Economics, Introduction to Psychology, Journalism 1 A/B; Journalism 2 A/B; Engineering courses; Ethnic Studies; World Religions; AVID; Art Appreciation. This rest of this category of electives will be determined according to student interest and staff recruitment.</td>
<td>N/A</td>
<td>1 year</td>
</tr>
<tr>
<td>Physical Education</td>
<td>2 years = Students will participate in a Physical Education curriculum for the first two years of high school to fulfill CA requirement. Any student in a sport may continue the Physical Ed course up until graduation.</td>
<td>2</td>
<td>N/A</td>
</tr>
<tr>
<td>CAHSEE</td>
<td>All students must pass the CAHSEE to graduate. Students who have not passed enroll in a special month long, intensive class to prepare them for reexamination.</td>
<td>MUST PASS</td>
<td>MUST PASS</td>
</tr>
<tr>
<td>NWGP Digital Portfolio</td>
<td>All students are required to prepare and present a digital portfolio on a yearly basis. The digital portfolio focuses on a student’s pathway to high school graduation and onto college. The portfolio is researched and created in Advisory.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Note:** Students with Disabilities usually meet all requirements. SWD students receive supplemental support in and out of class from the teacher and/or specialists equipped to handle special need cases (i.e., ADD, autistic students or physically disabled) to help them stretch to their highest capability. Students with an IEP who need help in math, ELA and organization are put in Resource Class.
The 21st Century
Society in the 21st century is an informational society requiring high levels of literacy, clarity of thinking skills, and increased abilities to process information. The process of education in this society demands the development of cognitive and proficiency abilities, interpersonal skills, emotional and attitudinal predispositions, fitting character formation and strong work habits. In addition, an educated person in the 21st century is a person who can take knowledge and apply that knowledge to solve problems. Today, rote learning is not an option for an educated person. Knowledge is only the beginning of learning as it is more critical that an educated person be able to apply knowledge to solve the problems facing them. For example, computers and the Internet evolved out of the problem of not being able to attain information quickly and easy enough. While the advent of T1 lines and DSL lines has made access to information easier and quicker, it has caused the new problem of providing access to this wealth of information for low-income earners, a problem known as the “digital divide.” The ensuing problem is a society that is divided by those who have access and those who do not. The rules of existence have changed and the educated person has to deal with a world where technology has been created ahead of need and where passive learning is not an option.

NW recognizes this 21st society and the fact that the domain of education is broader than just formal schooling. Accordingly, NW integrates the formal schooling that takes place within its walls with a broader perspective in order to equip students to live and continue to learn in an increasingly complex and information-rich modern world. Integrating technology into existing curricula at NW means making technological tools, including computers, multimedia, the Internet, and digital input and output devices, integral to learning. Learning how and why to use a word processor to better communicate ideas or to search the Internet for information related to curricular goals and activities enhances the curriculum and teaches literacies that students will need to know and be able to use. Thus, NW’s main objective is to enable students to become self-motivated, technologically competent, life-long learners. The NW educated person needs to step from a foundation of knowledge onto a creative ledge where technology, individual “out-of-the-box” tinkering, and problem solving mentality will be needed. As a model 21st century educational community, we are committed to ensuring that all students, especially under-represented populations from diverse, cultural, socio-economic and linguistic backgrounds, are provided with a meaningful, content-rich, thinking-centered, and standards-based educational experience. We believe that an educated citizen in the 21st century must have the skills and understanding to participate and work productively in a multicultural, globally-oriented environment, use technology to its full potential, will demonstrate proficiency in the standards identified by the State of California and necessary to participate and work productively, and communicate fluently in English and have access to at least one other language.

Students educated by NWCHS
NWCHS provides for the free, nonsectarian, public education of students in grades 9-12 who desire a broad, comprehensive and challenging foundation in reading and language arts, mathematics, science, and history and social science, supplemented by a variety of
enrichment programs in the visual and performing arts, world languages, health and physical education, branches of the main core courses and extracurricular and enrichment activities designed to enhance the core curriculum. The Charter High School, which is open to any student who has entered NWCMS from the sixth grade, enrolls a multi-cultural, multi-ethnic, socioeconomically diverse student body without respect to race, gender, color, ethnicity, national origin, or disability or any other characteristic described in Education Code Section 220.

NWCHS will continue to serve the communities and families identified over the course of the past years with the Middle School and all others who wish to attend the school subject only to capacity. NWCHS seeks to attract families who have a belief in a strong home/school/community partnership and who share in the mission, vision, and guiding principles of the Charter School. NWCHS is located on a site building in Los Angeles with the capacity to house 875 students.

Below is a chart of the perceived and estimated enrollment numbers for New West Charter for the next eight years.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6th</td>
<td>200</td>
<td>125</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>7th</td>
<td>125</td>
<td>195</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>8th</td>
<td>125</td>
<td>125</td>
<td>190</td>
<td>125</td>
</tr>
<tr>
<td>9th</td>
<td>120</td>
<td>110</td>
<td>125</td>
<td>160</td>
</tr>
<tr>
<td>10th</td>
<td>125</td>
<td>110</td>
<td>125</td>
<td></td>
</tr>
<tr>
<td>11th</td>
<td></td>
<td>125</td>
<td>110</td>
<td></td>
</tr>
<tr>
<td>12th</td>
<td></td>
<td></td>
<td></td>
<td>105</td>
</tr>
<tr>
<td>Total</td>
<td>575</td>
<td>680</td>
<td>800</td>
<td>875</td>
</tr>
<tr>
<td>Teachers</td>
<td>29</td>
<td>35</td>
<td>41</td>
<td>47</td>
</tr>
</tbody>
</table>

During its five years of operation, NWCHS will matriculate a new grade level each consecutive year, beginning with ninth grade in 2012-2013. The ninth grade class (2012-2013) will consist of 120 students and will be New West Charter Middle School’s current eighth grade class (2011-2012). NWCHS’s tenth grade class in 2013-2014 will also have 125 students and will be New West Charter Middle School’s seventh grade students. The eleventh grade class will be the Middle School’s incoming sixth graders with a student population of 125 students.

In addition, in the first year of operational planning, NWCHS’s future twelfth grade population will enter New West Charter Middle School with an increased number of 200 students. These students will be a mixture from the neighboring elementary schools of Brockton Elementary and Nora Sterry Elementary. Both elementary schools will have increased opportunities to feed into New West Charter Middle School through additional
admissions preferences in the public lottery. The students’ entry into New West Charter Middle School will guarantee them attendance into NWCHS.

Below is a breakdown of the student population from both Brockton Elementary and Nora Sterry Elementary.

<table>
<thead>
<tr>
<th>2009-2010 Elementary School Enrollment (%)</th>
<th>Brockton Elementary</th>
<th>Nora Sterry Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American students</td>
<td>5.9</td>
<td>10.3</td>
</tr>
<tr>
<td>Asian students</td>
<td>5.5</td>
<td>4.7</td>
</tr>
<tr>
<td>Filipino students</td>
<td>1.7</td>
<td>0.6</td>
</tr>
<tr>
<td>Hispanic or Latino students</td>
<td>73.4</td>
<td>71.8</td>
</tr>
<tr>
<td>White (not Hispanic)</td>
<td>10.7</td>
<td>10.1</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged students</td>
<td>71</td>
<td>74</td>
</tr>
<tr>
<td>English Language Learners</td>
<td>50.7</td>
<td>33.8</td>
</tr>
<tr>
<td>EL 5th grade only</td>
<td>8.6</td>
<td>4.6</td>
</tr>
</tbody>
</table>

One of the strengths of NW is the school’s diversity and it is our intention to continue the efforts of NW to maintain the current diverse ethnic make-up of our student body. Enrollment from the two local elementary schools and any traveling students from LAUSD will make education accessible to all students, including mid-range students, students achieving at a level significantly below their peers, gifted and talented students, students receiving special education services, limited-English proficient students, and students who are members of ethnic groups underrepresented in colleges and universities.

**Recruitment, Hiring and Coaching**

NWCHS believes in the recruitment and hiring of staff that reflect the community as well as in the development of the capacity of staff to meet the needs of students. Educators must approach with passion, dedication and enthusiasm, the moral challenge of ensuring the educational success of every child. Today, effective educators must be more than dedicated, talented and committed than ever before.

NWCHS believes in the power of peer coaching to develop effective leaders who have clear vision, courage and skill to take action, and confidence to include diverse perspectives in making decisions.

For NWCHS, effective leaders recruit, hire, support and develop staff that is most qualified to help all students achieve standards.
Leaders assign most qualified staff to serve students most in need. Highly qualified staff includes teachers who are certified to serve English language learners when the student population includes a significant number of English language learners.

Recruitment of staff reflects the community served.

Effective leaders proactively recruit and hire teachers and other staff who evince a strong moral principle of educational equity and excellence and dedication to achieve it.

Leaders develop capacity in themselves and others through cognitive coaching that promotes self-directed learning to enhance staff performance and improve student learning.

For NWCHS, the following chart outlines the recruitment of teachers as the school opens its doors in 2012 and continues forth.

<table>
<thead>
<tr>
<th>Recruitment of NCLB Certificated Teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 2012 - 2013</td>
</tr>
<tr>
<td>Grade 9</td>
</tr>
<tr>
<td>NWCMS</td>
</tr>
<tr>
<td>1 English teacher</td>
</tr>
<tr>
<td>1 Math teacher</td>
</tr>
<tr>
<td>1 Science teacher</td>
</tr>
<tr>
<td>1 History teacher</td>
</tr>
<tr>
<td>2 PE teachers</td>
</tr>
<tr>
<td>2 Elective teachers</td>
</tr>
<tr>
<td>14 Certificated teachers</td>
</tr>
</tbody>
</table>

| Year 2013- 2014                          |
| Grade 10                                 |
| NWCMS | NWCHS | Total Staff |
| 1 English teacher                        | 1 English teacher   |
| 1 Math teacher                           | 2 Math teachers     |
| 1 Science teacher                        | 1 Science teacher   |
| 1 History teacher                        | 1 History teacher   |
| 1 PE teacher                             | 1 PE teacher        |
| 2 Elective teachers                      | 2 Elective teachers |
| 12 Certificated teachers                 |                     |

| Year 2014 - 2015                          |
| Grade 11                                 |
| NWCMS | NWCHS | Total Staff |
| 1 English teacher                        | 1 English teacher   |
| 1 Math teacher                           | 1 Math teacher      |
| 1 Science teacher                        | 1 Science teacher   |
| 1 History teacher                        | 1 History teacher   |
| 1 PE teacher                             | 1 PE teacher        |
| 2 Elective teachers                      | 2 Elective teachers |
| 11 Certificated teachers                 |                     |

| Year 2015 - 2016                          |
| Grade 12                                 |
| NWCMS | NWCHS | Total Staff |
| No Staffing needed at the middle school level | 2 English teacher  |
| 2 Math teacher                           | 2 Math teacher      |
| 1 Science teacher                        | 1 Science teacher   |
| 1 History teacher                        | 1 History teacher   |
| 9 Certificated teachers                  |                     |
The talented teachers recruited for NWCHS will be carefully screened so as to hire individuals ready to work tirelessly to influence and engage all students entering the high school. Teachers will be interchanged between New West Charter Middle School and New West Charter High School since the structure and policies of the schools will be the same. Moreover, the students will also be able to interact, engage and be instructed by all teachers under the New West Charter umbrella.

**Neighboring High Schools**

New West hopes NWCHS will be able to provide 9-12\textsuperscript{th} grade students an opportunity to continue the same rigor, expectations, engagement and culture of the middle school but at a high school level. We feel that upon leaving NWCMS, our students are at a loss for rigor, for expectations and standards, for engagement with the material they are learning and for a family culture that cares, that encourages and eventually strengthens their own understanding and acceptance of the world around them.

<table>
<thead>
<tr>
<th></th>
<th>2008 API Base</th>
<th>2009 API Base</th>
<th>2010 API Base</th>
<th>Student Enrollment per year, respectively</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Senior High School</td>
<td>659</td>
<td>671</td>
<td>682</td>
<td>1,556; 1,617; 1,716 students</td>
</tr>
<tr>
<td>Westchester Senior High School</td>
<td>603</td>
<td>628</td>
<td>647</td>
<td>1,214; 1,191; 1,187 students</td>
</tr>
<tr>
<td>Venice Senior High School</td>
<td>692</td>
<td>705</td>
<td>692</td>
<td>1,851; 1,789; 1,940 students</td>
</tr>
</tbody>
</table>

In examining the chart above, the neighboring high schools, we feel, will falter in providing our students with all these elements due to various reasons. Two of those reasons are low API scores and large student populations, which NW knows from experience means students are not held to high expectations and standards because of the enormous amount of students within the schools.

NW wants to provide their NWCMS students with a strong scholastic experience that will continue throughout their high school years and ready them for college and life.

**The New West Culture**

There is no one single way as to how learning best occurs. Students are individuals who learn in different ways. Some are auditory learners. Some are visual learners. Some can work well with a combination of both. Learning best occurs when the teacher understands
the needs of each student and helps each student reach his or her potential in an environment that is accessible to all. A high interest curriculum, positive teacher guided feedback, a non-threatening environment and an atmosphere that promotes peer encouragement are essential to a true learning experience. The New West Culture holds these elements and others as a foundation for NWCHS’s educational foundation and environment.

The pivotal elements driving NWCHS’s educational foundation and environment are

**Integration**
Integration is built into the instructional design through the teaching team or family unit. NWCHS is constructed around family units, with each family comprised of subject teams. Teachers engage in thorough, on-going articulation within subjects and across grades as well. These meetings occur on a regularly scheduled basis.

**Differentiated Instruction**
Differentiated Instruction is key to providing for the needs of children across the educational spectrum. By altering the complexity, depth, or novelty of the subject, the teacher can convey material in a way that is appropriate for the individual child. Each student receives a rigorous, standards-based lesson without an artificial ceiling placed on learning. Teachers are also prepared to present material in a variety of ways to take into account different learning styles. Frequent assessment and review of this assessment is essential for this strategy. NWCHS begins the year with school-wide assessments and works towards a personalized approach to education for each student.

**Scaffolding**
Scaffolding Academic literacy and life-long learning skills are fostered through the use of scaffolding teaching methods. Scaffolding employs, among other tools, modeling and demonstration, bridging from known concepts and experiences to new concepts, contextualizing, and schema building to identify connections among concepts. For example, using charts, diagrams and other tools, students see the connections between topics and ideas.

**Project Based Learning**
Project-Based Learning provides a key opportunity for integration of all subjects. Families develop project themes throughout the year. Students will work in small groups to research, write, find results and identify the medium for presentation. The student team will work with the teacher to develop the different phases of the project.

**Real World Experiences**
Offer real-world experiences for students to learn about higher education and career options through curricular pathways, schools to career opportunities, community college fairs, volunteer fairs, community involvement in senior project assessments, robotics program, culinary arts program, NATEF and AYES automotive certification program and other collaboration with businesses and community.
High Expectations & Standards
Establish high expectations and standards for student achievement by expecting all students to master rigorous academic content, such as the A-G requirements. In addition, teachers maintain high expectations for learning of rigorous content, differentiate instruction for varied learning styles, and give students multiple opportunities to explore a rich variety of topics and interests, using instructional strategies, which actively engage students and foster curiosity and creativity, and to demonstrate their learning through various ways.

Assessment
Regular and accurate assessment of student progress in mastering grade-level standards is essential to the success of any instructional program and ensures quality for all students. Classroom and school assessments are based on content that every student has had the opportunity to learn and master. Decisions about instruction are driven by assessment data. Both qualitative and quantitative data (aggregated and disaggregated) are current, easily retrieved, analyzed, understood, and used to inform instruction and not to punish students or staff.

Community Service
NWCHS incorporates community service as an integrated component of its educational program. In community service, students learn and develop through active participation in thoughtfully organized activities in the community, including but not limited to civic, charitable, social, or environmental involvement. Such participation addresses community needs, strengthens the bonds between student, school, and community, and instills personal and social responsibility. Students are required to complete 6 hours of community service by the end of the school year.

Small Class Size
New West believes that size counts. Teachers can address many different levels of ability and learning styles and give exemplary differentiated instruction in a classroom of 20 or less.

Character Development
It is critical to a positive school environment and to the individual success of each student that students develop strong character and become responsible, ethical members of society. Faculty role-modeling, home school contract, discipline policy, an emphasis on personal responsibility, and the community service component all focus on this practice.

Parental Involvement
Key to the success of New West is strong parental involvement. NWCHS is a parent-driven charter school model, with strong parental representation on the Governing Board, a strong home-school contract, and a desire to address the needs of parents as well as students.

Professional Learning & Development
Professional development is essential for ensuring educational equity and achievement.
While professional development about state-adopted materials is important for staff, professional learning also focuses on materials and strategies designed to close the teaching-learning gaps. For example, current research indicates that much of the improvement in math performance is attributable to professional development grounded in developing deep content knowledge and mastering effective instructional practices. As a result of teacher collaboration in the math department, teachers have come to an agreement about the adoption of a common textbook in Algebra 1, Algebra 2 and Geometry. This type of teacher collaboration will be a part of the NWCHS’s professional learning and development.

**Sustainable Building Principles**
As a charter school, New West distinguishes itself through the development of exemplary environmentally sustainable practices and curriculum. “Sustainability meets the needs of the present without compromising the ability of future generations to meet their needs” - United Nations World Commission on Environment and Development.

NWCHS believes that all the above elements and more contribute to the success of high school students and their school. NWCHS hopes to enable students to become self-motivated, competent, life long learners by establishing an environment where learning is engaging and worthwhile. When students experience learning that is engaging and connects to “real world” applications, they develop a love of learning that continues far beyond high school.

**High School Core Curriculum**
NWCHS has adopted a Standards-based, College Preparatory curriculum closely following the current California State Standards. NWCHS uses the standards as a floor, not a ceiling. The school ensures that students develop critical thinking skills, including but not limited to observation and analytical reasoning as well as decision-making skills to help them access, process, organize, and interpret the information that the standards present. Students are able to communicate the concepts they have learned through connections between subjects and application of the information to the real world and their own experience. Most importantly, NWCHS students draw inspiration from the curriculum to seek further information from other sources.

NWCHS analyzes the standards and has developed clear, useful and assessable guidelines for the Content Standards to be presented to students and their families, so that they may understand the grade-level expectations of NWCHS and the State. There must be no surprises. The school outlines all applicable California state standards taught in each grade level and subject areas by aligning these in a scope and sequence format.

The NWCHS core curriculum is a unique blend of education that includes the following key components:

- Core Curriculum based on the UC/CSU A-G Requirements --Upon graduation, all NWCHS students will have met or exceeded all the A-G requirements for admission to a University of California or California State University.
- Core Curriculum at high school level and college level so as to introduce students
to a higher learning

- Integration of technology into all subjects
- A focus on cross curricular projects that connect to the “real world”

Woven into these four curricular components is NWCHS’s commitment to meeting and exceeding the Content Standards for California Public Schools in all curriculum areas. As stated before, NWCHS’s graduation requirements will meet or exceed the National and State Standards as well as the A-G requirements of admission into the University of California and California State University.

To ensure our program and its integrity, New West will seek and apply for WASC accreditation and will prepare for site visits either in Spring 2013 or in Fall 2013. Acquiring WASC accreditation will certify to our family and the public that New West is a trustworthy institution of learning and that our students are on a direct path to an exemplary university.

The following schema outlines this educational goal:

**NWCHS COURSE OFFERINGS**

**GRADE 9 COURSES**
All ninth grade students will enroll and pass:
- English 9AB
- Freshman Composition
- One of the following: Algebra AB / Geometry AB / Algebra II AB
- Biology AB
- Physical Education
- Foreign Language: Beginning, Intermediate or Advanced

Course Completion: 3 Core Curriculum courses, 1 PE, 1 Foreign Language, & 1 elective course

**GRADE 10 COURSES**
All tenth grade students will enroll and pass:
- One of the following: British Literature I AB/ Honors British Literature I AB
- One of the following: Geometry AB/ Algebra II AB/ Trigonometry/ Pre Calculus AB
- One of the following: Chemistry AB/ AP Chemistry AB
- Physical Education
- Foreign Language: Beginning, Intermediate or Advanced
- World History AB/ AP World History AB

Course Completion: 4 Core Curriculum courses, 1 PE, and 1 Foreign Language

**GRADE 11 COURSES**
All eleventh grade students will enroll and pass:
- One of the following: American Literature AB/ AP American Literature AB
- One of the following: Enriched Composition or Advanced Composition
One of the following: Algebra IIAB/ Trigonometry/Pre Calculus AB / Calculus AB
One of the following: US History AB/ AP US History AB
An elective Science or Fine Arts course
An optional elective course

Course Completion: 3 Core Curriculum courses and 3 elective courses

GRADE 12 COURSES
All twelfth grade students will enroll and pass:
- One of the following: British Literature II AB/ AP British Literature II AB
- One of the following: Trigonometry/Pre Calculus AB / Calculus AB/ AP Calculus AB
- American Government/Economics
- An optional elective course
- An optional elective course
- An optional elective course

Course Completion: 3 Core Curriculum and 3 elective courses (if the student wishes 3 extra electives)

At the completion of 4 years at NWCHS, all students will have tested and strengthened their knowledge and skills within the mandatory 17 Core Curriculum courses and 5 optional elective courses. They will be cognizant, independent, motivated scholars ready to participate in a higher learning environment to surpass all that awaits them.

NWCHS will ensure that curriculum, projects and lessons are standards-based. In addition, NW will endeavor to ensure that all courses at the high school level are transferable for other public high schools and eligible to meet college entrance requirements. Parents are informed about graduation requirements, transferability of courses to other public high schools, and the eligibility of courses to meet college entrance requirements via parent informational meetings, Parent Organization meetings, newsletters, individual meetings with the counselor and college counselor, and college representative visits.

**Instructional Materials**
Core Curriculum textbooks will be selected by the curriculum committee upon review and recommendation of the subject department and/or grade level team. Below are strategies for adopting instructional materials/academic supports for students in need:
1) Assess student test scores, project and homework assignments, individual strengths and weaknesses. (Data on 9th graders is collected from New West Charter Middle School scores).
2) Acquire, assess and introduce State-approved standards-based instructional materials as well as local school district instructional materials to ALL students
3) Collect materials as needed to supplement approved texts for use with ALL students, such as supplemental readers and workbooks, Internet websites, instructional kids (for
solar car and robotics design), and articles about current events, etc.
4) Collect materials appropriate for special subgroups and/or individual students and introduce to the appropriate students.
5) Continuously review the progress of each student and make necessary changes, such as switching their supplemental materials, adding more or less rigorous materials, etc.

**Technology in the Classroom**

NWCHS is committed to appropriately integrating technology into all areas of the curriculum and dedicated to the acquisition and support of effective educational technology that provides teachers and students real-world contexts for learning, connections to larger learning communities, and opportunities to individualize and apply learning. Our vision for instructional technology continues to be the common and equitable use of innovative technologies and communication strategies in the learning environment. Goals include:

- Implement school technology for the benefit of all stakeholders;
- Continue to pursue technology resources and manage the technology budgets effectively;
- Continually upgrade the school infrastructure, hardware, and software;
- Provide high-quality service to users on an ongoing basis;
- Implement technology solutions that will make accountable differences in instruction, assessment, and management of students as well as improve communication and collaboration.

All NWCHS students have access to both laptop and desktop computers through the two computer labs on campus -- a stationary computer lab with 25 Mac desktops and a mobile cart filled with 30 MacBook laptops. Students check computers at the beginning of class, sign on to their account and can move from classroom to classroom but use different computers to access their work due to the common server. The school is supervised one hour before school and two hours after school so that students, especially those without easy access to a computer and/or Internet outside of school, can access the technology. There is clear and successful site integration of technology in all classrooms. Staff set benchmarks in technical knowledge to be mastered in each grade level within the existing curriculum.

Students and interested parents are in-serviced on ethical uses of technology, and filters are installed to block inappropriate Internet content. Each parent/student also signs an Acceptable Use Policy, violation of which results in suspension of computer privileges for a first offence up to expulsion for repeated offenses. Students are trained to gauge quality and reliability of websites, and teachers check student's work for plagiarism continuously. NWCHS staff works as a team to evaluate software and online resources. The Technology coordinator notifies staff if there are issues with an online resource or software.

A new addition to our technological world will be a class set of 30 Ipads for student and teacher use.
All teachers have a laptop computer to use for student information, attendance, recording grades and curricular activities. We have struggled with finding a student data system that provides ease of use for teachers but we are optimistic about our current system – CCSA’s ZOOM! – in which we are one of a handful of charter schools to pilot the data system. Our goal is to provide quick and efficient access to student standardized and school benchmark test scores to assist teachers in differentiating learning and data-driven instruction. We understand that the disaggregation of data and data-tracking systems to monitor student progress are important in gaining a snapshot of student achievement at any particular time.

NWCHS continues to emphasize the application of technology to improve student achievement and access to post-secondary opportunities. We continue to explore partnerships through our resources, which will enable students to have access to the latest and most effective technology.

**New West Graduation Plan (NWGP)**
A New West Graduation Plan (NWGP) is set into motion for each student when he/she enters NWCHS in the 9th grade. The NWGP is a structured plan that outlines the 22-26 courses the student must attend and pass (for High School and A-G completion, the standardized exams the student must register for and pass (CAHSEE, SATs & SAT IIs), and the application the student will complete and submit for post secondary education (if he/she chooses to do so). NWCHS’s college counselor initially meets with the student and his/her parents to present them with a NWGP and to discuss the student’s post secondary goals.

In 10th grade, the Student Success Team (SST), which includes the teacher advisor, other teachers, the college counselor, and parents support the student’s progress from one grade to the next by providing the academic and behavioral interventions to keep them on track with his/her NWGP. The NWGP is an organic document updated every semester as sequenced coursework is completed for graduation and college readiness, CAHSEE readiness is monitored, future plans are solidified, and special needs arise (i.e. CAHSEE tutoring). NWGPs help students become college and workforce ready by focusing their attention and goals.

All Students With Disabilities (SWDs) are mainstreamed into regular classes with their state-required Individual Education Plan (IEP), and receive all allowable accommodations of their plans.

**NWCHS’s Daily Schedules**
NWCHS students will continue following three daily schedules as they did at the middle school level with slight changes. School will begin instruction at 7:30 am and end with the Advisory period at 2:30 pm. A regular 1-6 period day will shift to Mondays instead of Mondays and Tuesdays and there will, at the moment, be no minimum day. Block scheduling will cover 4 days of the week instead of 2 days and each period will be for 100 minutes.
New West Charter High School will follow three daily schedules, outlined below.

**Monday Schedule**
- Homeroom: 7:30 – 7:45
- Period 1: 7:49 – 8:39 (50 minutes)
- Period 2: 8:43 – 9:32 (50 minutes)
- Period 3: 9:51 - 10:41 (50 minutes)
- Period 4: 10:45 – 11:35 (50 minutes)
- Lunch: 11:35 – 12:09
- Period 5: 12:13 - 1:03 (50 minutes)
- Period 6: 1:07 – 1:57 (50 minutes)
- Advisory: 1:57 – 2:30

**Tuesday/Thursday Schedule**
- Homeroom: 7:30 – 7:45
- Period 1: 7:49 – 9:29 (100 minutes)
- Nutrition: 9:29 – 9:44
- Period 3: 9:48 – 11:28 (100 minutes)
- Lunch: 11:28 – 11:57
- Period 5: 12:01 – 1:41 (100 minutes)
- Advisory: 1:45 – 2:30

**Wednesday/ Friday Schedule**
- Homeroom: 7:30 – 7:45
- Period 2: 7:49 – 9:29 (100 minutes)
- Nutrition: 9:29 – 9:44
- Period 4: 9:48 – 11:28 (100 minutes)
- Lunch: 11:28 – 11:57
- Period 6: 12:01 – 1:41 (100 minutes)
- Advisory: 1:45 – 2:30

**NWCHS Advisory Program**
Each student is assigned an Advisor who will stay with the student, if possible, for the entire four-year high school span. Real education is long-term. The Advisory model forces students to focus and with the consistent guidance in the advisory period, gives them the opportunity to stretch and reach, ponder and plan, work and wait for the satisfaction of a long-term goal achieved.

An Advisory objective is for students to research colleges and careers and participate in values clarification activities. Additionally, there will be an articulation between the student and the Advisor regarding issues with academic and social progress.
Educators, too, benefit as advisory guides, who, over the four-year span become intimately involved in the education of a specific student, not a name on the class roster. Educators need to assess their approach to educating students who may not be engaged in learning, have no support outside the walls of the school and/or whose early education cannot be categorized or tracked. As for the educator, this is an opportunity for them to focus on all students individually and to revisit the up-close challenges of high school years. Advisors will meet to discuss appropriate strategies for success on a daily basis.

Below is a graphic organizer illustrating how the Advisory Program will be implemented at the high school level.

The Advisory program, then, will be a crucial focus for both student and educator because it will determine the success of both participants. For the student, the Advisory program will give multiple opportunities and support to research, prepare and apply to universities and colleges so as to secure, for the student, his or her pathway in life. For the educator, the Advisory program will be another way to counsel, inspire and encourage students to find success beyond the high school walls, allowing the educator to gain fulfillment not only as a teacher but as a counselor.

**Meeting Student Needs**
NWCHS strives to meet the needs of all students regardless of ability or background. However, the school does not group by ability or other characteristics. All students are in the same classes regardless of their status as Gifted, Special Ed, socioeconomically disadvantaged, or achieving below grade level.
Serving Academically Low-Achieving Students

The first step toward this goal is early identification of low-achieving or at-risk students through early assessment. For those students who are academically low performing, a range of strategies are employed. Modifications will be made, such as books on tape, so that students will still receive exposure to sophisticated literature while working on underlying building blocks of comprehension/decoding. Students work with teachers who have received training in working with diverse populations and are committed to helping them achieve academic success. Students receive additional intensive help after school as well as in smaller tutorial settings.

In other core academic areas, teachers differentiate curriculum so that all students can receive standards-based instruction appropriate to their level. After school tutorials are available in each of the core subjects to give students additional assistance. All students receive instruction in the area of study skills and time management.

New West is especially concerned about those students who are also identified at-risk because of life circumstances. The smaller size of the Charter School and the advisor-advisee program will be especially helpful to these students. Having time every day when sensitive issues can be raised, and providing a consistent, positive, caring role model, gives these young people a sense of stability, which may be lacking in other parts of their lives.

Serving Academically High-Achieving Students

Highly capable students will be provided differentiated learning opportunities throughout the school day as well as in the after school program. Students who are well served by standards-based education are continually challenged to excel when taught by excellent teachers who have received training in strategies of differentiation. In special cases, particularly in Math, students can be invited to participate in classes, one grade level above their homeroom class.

Serving English Learners

NWCHS will meet all applicable legal requirements for English Learners (“EL”) as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications (CELDT or other CCTC approved certification) 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 and at least annually thereafter between July 1 and October 31st 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.

**Strategies for English Language Learner Instruction and Intervention**

Teachers who serve EL students will be trained to use a variety to programs, such as Specially Designed Academic Instruction in English (SDAIE) techniques and/or Sheltered English to meet the needs of English language learners. The instructional design model to be used by NWCHS places a heavy emphasis on differentiating instruction to meet the needs of English Language Learners based on their academic and language readiness. Professional development will be developed to train teachers on the variety of instructional strategies and programs to be used with all students and specifically with English Language Learners. Some of these instructional strategies include the following:

- Vocabulary and Language Development
- Guided Instruction
- Metacognition and Authentic Assessment
- Explicit Instruction
- Meaning Based Context and Universal Themes
- Modeling, Graphic Organizers and Visuals

A program for professional development is Sheltered English. Sheltered English, for example, makes academic instruction in English understandable to ELL students. In the sheltered classroom, teachers use physical activities, visual aids and the environment to teach vocabulary for concept development in mathematics, science, social studies and other subjects. Sheltered Instruction Observation Protocol (SIOP) is a popular, research-based and validated model of sheltered instruction that is widely used and will be reviewed for NWCHS as well.

**Special Education**

NWCHS recognizes the importance of providing educational opportunities to all students regardless of physical or special needs. To that end, NWCHS will serve students with special needs in accordance with applicable federal and state law. NWCHS will comply with all applicable federal and state Special Education laws, including the discipline of such students.

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”). New West shall not discriminate against any student with a disability.
The Charter School is an LEA member of the Southwest SELPA in accordance with Education Code Section 47641(a) and thus shall be solely responsible for its compliance 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 also 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.

Services for Students under the “IDEIA”
NWCHS adheres to the provisions of the IDEIA and state special education laws and regulations to assure that all its students with disabilities are offered a free, appropriate public education (“FAPE”).

NWCHS adheres to all applicable State and Federal law and Southwest SELPA policies and procedures regarding special education, including submission of documents and information, participation in reviews, and attendance at informational sessions and meetings. NWCHS uses Southwest SELPA forms to develop, maintain, and review assessments and IEPs in the format required by the Southwest SELPA, including assessment and inputting IEP data into the Southwest SELPA data system in accordance with Southwest SELPA policies and procedures. NWCHS maintains copies of assessments and IEP materials for review by the Southwest SELPA. NWCHS submits to the Southwest SELPA and the Authorizer all required reports, in a timely manner as necessary to comply with state and federal laws.

NWCHS develops Individual Transition Plans to help a student with disabilities, age 14 and older, in transitioning to adult living. NWCHS in conjunction with the Southwest SELPA, is responsible for the management of its special education budgets, personnel, programs, and services. NWCHS ensures that its special education personnel are appropriately credentialed or licensed as consistent with California and Federal laws and regulations.

As with all populations of students at NW, the unique instructional needs of special education students are identified early and accurately, ensuring that NWCHS complies with all child-find requirements under applicable state and federal law and SELPA policy. The referral process includes Student Success Team meetings to review prior interventions, accommodations, and modifications, and to recommend further interventions as appropriate. NW identifies and refers students who demonstrate early signs of academic, social, or behavioral difficulty that may require assessment for special education eligibility and placement in a special education program.

For students transferring to the Charter School from District schools or District affiliated charter schools, the Charter School will provide those related services required by the students’ IEPs upon the students’ enrollment. However, to allow for a smooth transition to independent charter schools, the District shall continue to fund services for those special education students enrolling in independent charter schools who have been
receiving non-public agency (NPA) services from the District for thirty (30) days after enrollment. This will allow the Charter School time to conduct an IEP team meeting and to execute contracts as necessary to facilitate the students’ transition to the Charter School. When requested by the Charter School, a representative from the Local District Special Education Office may attend a student’s first IEP meeting at the independent charter school to assist with transition issues.

The Charter School will be responsible for the development of assessment plans for students with suspected disabilities or, in the alternative, providing appropriate written notices to parents when a request for assessment is denied. The Charter School will make decisions regarding eligibility, goals, program, placement, and exit from special education by consensus of the student’s IEP team.

The Charter School will ensure that the teachers and other persons who provide services to a student with disabilities are knowledgeable of the content of the student’s IEP. The Charter School will ensure that student discipline and procedures for suspension and expulsion of students with disabilities are in compliance with state and federal law. Discipline procedures will include positive behavioral interventions. In accordance with the Modified Consent Decree, the Charter School will collect data pertaining to the number of special education students suspended or expelled.

Procedural Safeguards/Due Process Hearings
The SELPA may invoke dispute resolution provisions set out in a charter, initiate due process hearings, and/or utilize other procedures applicable to the Charter School if the SELPA determines that such action is legally necessary to ensure compliance with federal and state special education laws and regulations or the Modified Consent Decree. In the event that a parent or guardian of a student attending the Charter School initiates due process proceedings, both the Charter School and the SELPA will be named as respondents.

Whenever possible, the SELPA and the Charter School shall work together in an attempt to resolve the matter at an early stage (informal settlement or mediation). During due process proceedings and any other legal proceedings or actions involving special education, the Charter School will be responsible for its own representation. If the Charter School retains legal representation for a due process proceeding or other legal proceeding or action, the Charter School will be responsible for the cost of such representation.

Because the Charter School will manage, and is fiscally responsible for, its students’ special education instruction and services, the Charter School will be responsible for any prospective special education and related services, compensatory education and/or reimbursement awarded by a due process hearing officer, court or settlement based on an allegation or allegations that the Charter School failed to fulfill its responsibilities under state and federal special education laws and regulations (which include, among other things, identifying students with disabilities, assessing students, conducting IEP team meetings, developing appropriate IEPs, and implementing IEPs).
If parents’ attorneys’ fees and costs are to be paid because parents are the prevailing party as a result of a due process hearing or settlement agreement based on the Charter School’s alleged failure to fulfill its responsibilities under state and federal special education laws and regulations, the Charter School will be responsible for payment of those attorneys’ fees and costs.

The Southwest SELPA will collect an equitable encroachment contribution from independent charter schools for district-wide costs for special education instruction and services. District-wide costs include: 1) maintaining a full continuum of program options; 2) professional development and training; 3) technical support for programs; 4) administration of due process proceedings, excluding any legal representation; 5) investigation of complaints; and 6) implementation of the Modified Consent Decree. The annual encroachment percentage collected may vary from year to year depending on the district-wide encroachment. The calculation of the encroachment contribution shall be based upon a formula designed by the District's Budget Services Office.

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/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, 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, the 504 team will make a referral for assessment under the IDEIA.

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 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.

**Enrichment and Extracurricular Programs**

New West provides in-school enrichment programs and after-school extracurricular activities, which are part of the Charter School’s overall educational plan. These programs and activities supplement and complement classroom instruction in the core academic areas, and provide ancillary experiences for students that broaden their skills, knowledge, and attitudes in areas not addressed by New West’s formal curriculum. The nature and schedule of activities varies as parents come and go, as community members volunteer their time, as the educational needs and expertise of classroom teachers evolve, and as the interests and talents of the student body change from year to year.

**School Clubs & Off Campus Sports**

Studies have shown that students who participate in extra-curricular activities learn to budget their time more efficiently, demonstrate greater classroom achievement and learn to work with many different people. To be eligible for participation, students must meet NW academic and attendance requirements as well as student conduct expectations. To maintain eligibility for participation in NW extracurricular activities, students must conduct themselves as good citizens both in and out of school at all times. Students who
represent the school in an activity are expected to serve as good role models to other students and to members of the community.

The school clubs at NWCHS will be founded through student interest, have a NWCMS or NWCHS teacher as advisor and will be considered extra-curricular activities. They will be created as the school progresses and have a brief description of what the group is, what they do, what the requirements for membership are, and the time requirements required for membership. Besides being fun, these activities may help the students get accepted into college, earn college scholarships, allow the students to better their community, give the students an opportunity to help others, and serve as a great place to meet others with similar interests.

Similarly, Athletics will be founded off campus so as to provide students with an opportunity to find talent and strength within various sports teams and competitions. Sports help children develop physical skills, get exercise, make friends, have fun, learn to play as a member of a team, learn to play fair, and improve self-esteem. NWCHS will, of course, require the Pre-Participation Physical Exam (PPE) as an important step toward safe participation in organized sports. It is important to understand that the purpose of the PPE is not to disqualify or exclude an athlete from competition, but to help maintain the health and safety of the athlete in training and competition. NWCHS will hope to offer sports in winter, spring and summer, according to what sports competitions are available for participation.
ELEMENT B: MEASURABLE STUDENT OUTCOMES

My daughter is in 8th grade at New West and her sister graduated from New West last year. We are thrilled to be part of this awesome charter school. For families willing to put in the time and effort in their child’s education, New West offers an individually tailored education that is second to none in Los Angeles. It would be fantastic if they offered the same education at the high school level. Our children’s education would be complete!

Parent review, 2010

Governed 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).

Naturally, it is expected that NWCHS’s educational program has and will continue to evolve over time. Our educational plan includes scheduled, systematic evaluations of the educational program’s success in meeting the needs of the student body. The faculty and administration meet semi-annually with the express purpose of reviewing the curriculum’s effectiveness at meeting the goals of NWCHS. This self-assessment process relies on data obtained from multiple sources including educators’ assessments of curricular content, formal self-evaluations of achievement from students, as well as information from standardized tests and other performance assessments of NWCHS students. The Charter School’s Governing Board, composed of educators and parents, use the results of these reviews to identify any needed curricular and program modifications that will advance the best interests of the Charter School’s students. Specific benchmarked school-wide outcomes to be achieved over a five-year period (2012-2017) include:

80 percent or above of students scoring “proficient” on the California English - Language Arts Standards Test (grades 9-11)
  o Assessed annually by CST scores

70 percent or above of students scoring “proficient” on the California Mathematics Standards Test (grades 9-11)
  o Assessed annually by CST scores

75 percent or above of students scoring “proficient” on the California Science Standards Test (grade 10 only)
  o Assessed annually by CST scores

80 percent or above of students scoring “proficient” on the California United States History Standards Test (grade 11 only)
  o Assessed annually by CST scores

90 percent or above of students meeting all A-G course requirements
100 Percent of students passing the CAHSEE by graduation (beginning grade 10)

90 Percent or above of students meeting learning outcomes for each core subject at each grade level

75 Percent or above of students scoring a 3 or higher on College Board Advanced Placements Exams (grades 11 & 12)

Statewide and Similar Schools Academic Performance Index
  o Assessed annually by Academic Performance Report issued by State

NWCHS will meet adequate yearly progress as defined by the No Child Left Behind Act.
  o Assessed annually by Academic Performance Report issued by State

90 percent or above of students applying to 4 year universities to pursue post-secondary education
ELEMENT C: MEASURING STUDENT OUTCOMES

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(5)(C).

To ensure that all statewide performance standards are met and to ensure continual evidence of pupil learning, NWCHS shall conduct testing pursuant to Education Code Section 47605(c) as well as its own assessment and evaluation process as they apply to the individual and our own school performance. Grading will be by criteria currently in place with emphasis for developing a common grading policy in each department. Students will be assessed in each of the core academic skill areas by a combination of assessment tools that may include, but are not limited to:

OUTCOMES:

1. Standards-based Skills (California State Content Standards) Assessments:
   - California High School Exit Exam (CAHSEE)
   - California Standards Test (CSTs)
   - Teacher Evaluation and Assessment

2. Additional Performance Indicators
   - A-G completion requirements (UC/CSU)
   - California English Language Development Test (CELDT)
   - College Board Advanced Placement Exams
   - Placement Exams (Subject A, Entry Level Mathematics (ELM) and English Placement Test (EPT) or similar community College data)
   - Preliminary Scholastic Achievement Test (PSAT)
   - SAT I, SAT IIs
   - Woodcock-Johnson

California High School Exit Exam (CAHSEE)

All NWCHS students must pass the CAHSEE to earn a high school diploma. California created the test to improve student achievement in high schools. The test helps to ensure that students graduate from high school with grade level skills in reading, writing, and math.

The first opportunity students have to take the CAHSEE is in the second half of grade ten. Students who do not pass one or both parts of the CAHSEE in grade ten have up to
two opportunities in grade eleven to retake the part or parts of the examination not yet passed; grade twelve students may have at least three and up to five opportunities to retake the part or parts of the exam not yet passed. Adult students may take the CAHSEE up to three times per school year. Only the part or parts the student did not pass may be taken again.

Students who are English language learners (ELs) are required to take the CAHSEE in grade ten with all other grade ten students. During their first 24 months in a California school, ELs are to complete 6 months of instruction in reading, writing, and comprehension in the English language (EC Section 60852). During this time, they are still required to take the CAHSEE. Test variations are available to ELs who regularly use these variations in the classroom. Examples include being tested in a separate room with other ELs; extra time within the testing day; English-to-primary language or primary language-to-English translation glossaries; or allowing students to hear a translated version of the test directions and to ask clarifying questions in their primary language.

**California State Testing**

NWCHS will administer all tests required by state law that are applicable to charter schools. NWCHS will administer, in the same manner as other public high schools, the statewide student assessments that are part of the Standardized Testing and Reporting Program (STAR) pursuant to Education Code Section 60605 [EC 47605(c)(1)]. As a condition of apportionment of state funding [Education 47612.5(a)(3)], New West provides annual certification that its students have participated in all required state testing programs. Currently, the statewide-standardized tests are the California Standards Test (CST).

NWCHS will use the results of the CST as one of the multiple measures for assessing individual student achievement. NWCHS requires that students meet the minimum levels for satisfactory performance established by the State Board of Education for promotion to the next grade level.

CST results are also one factor in determining whether students are eligible for NWCHS’s remedial or accelerated instructional programs. The results of standardized tests are not used as the basis for assigning grades in any content area on a student’s report card.

NWCHS will continue over time to examine and refine its methods for assessing student outcomes to reflect the Charter School's mission and any changes in statewide student assessments authorized in statute that may become applicable to charter schools.

**Curriculum Imbedded Assessments**

*Generic and Subject-Specific Rubrics*

Teachers develop and utilize rubrics or scoring criteria to assess student proficiency on performance tasks as a key component of a performance standards system. The rubrics provide the scoring guidelines that offer a scale and a set of descriptor for each level of student performance. An example is the use of rubrics to assess student proficiency in
writing assignments, such as developing a persuasive essay. Rubrics are provided to students before projects so they can serve as guidelines to learning, thus encouraging growth rather than simply being used as an evaluation tool. Students are included in the design and development of the various rubrics.

*Curriculum Imbedded Assessment*
This form of assessment is the most powerful of all measurement tools utilized at NWCHS because it is imbedded in the instructional process. These tools are intended to be formative, frequent, and on-going. Many of the assessments are diagnostic and will be given before and during the teaching process. Because these assessments are related to the curriculum, they will be unique to the classroom and the teacher. Teachers may select to include results from standardized tests, classroom tests, tasks, and projects, grades and teacher evaluation to provide a complete picture of student progress. These standards-based monitoring assessments will be administered, at a minimum, at the end of each unit, on the average every four to six weeks, or at the end of each chapter within the unit, to inform instruction and identify specific areas for intervention for specific students.

*Multiple Measures*
Students are provided with multiple opportunities to perform in relation to standards. They utilize an open-ended response vs. a closed-ended response. The open-ended task would have no single correct response. This assessment would measure how students use what they know, how they demonstrate a skill, how they communicate what they understand, or how they apply what they know in a new context. The closed-end approach to assessment would have one right or best answer. This approach assesses specific knowledge or information that students have acquired.

This example of utilizing various measures is intended to show the range of assessments that will be used to individualize the learning experiences of NWCHS students. Assessment approaches vary according to format and context to meet student needs.

*Student Involvement in Assessment*

*Student-Led Conferences with Parents*
This assessment strategy of engaging students in the parent/teacher conference puts the student in a position of control over his or her academic growth. It is at this conference that the student, parents and teacher evaluate, assess, plan and then develop the individual learning plan for the next school year by closely examining the student’s NWGP. The student has the opportunity to provide additional insights into his or her progress in what was learned as well as areas of strengths and areas of needed growth.

The NWGP will be in the form of a digital portfolio and will keep all updates as to how the student is completing all graduation and beyond requirements. It is intended that students be actively engaged in the selection of items that will be included in the portfolio. They are also responsible for evaluating the portfolio’s contents. Teachers, parents, and peers might also have input into what is placed in a portfolio as a way of assessing a student’s efforts, progress, or achievements. A few examples of items that may be included in a portfolio are student developed learning plans, journal entries, book
reviews, computer-generated products, or parent comments on work.

**California English Language Development Test**
The CELDT is a test that measures how well a student can listen, speak, read, and write in English. California state law requires that the CELDT be given each year to English Learners (students who do not speak English fluently). The purpose of this test is to monitor student progress in learning English and to help decide when a student is fully proficient in academic English. Any student who lives in a home where a language other than English is spoken must take the test within 30 calendar days after enrolling in a California public school for the first time.

Test results for newly enrolled students are used to help identify English Learners who need to develop their speaking, listening, reading, and writing skills in English.

**NWCHS Promotion Policy**
Mastery of the standards for each course will be the basis for promotion, just as it is at the middle school level. Teachers assess a student’s progress on a quarterly basis in order to gauge whether the student is mastering the objectives and standards throughout the year. Students who are in jeopardy of retention are counseled individually and given extra help in their specific areas of concern.

Students who do not meet the performance standards for advancement to the next grade or course are retained in their current grade in accordance with their applicable promotional academic credits. These students are identified earlier in the academic year and are supported by a Student Success Team. Parents of students who have been retained are contacted by a counselor who requests a meeting to discuss the student’s substandard progress and determine some strategies that may promote greater success for the student. Strategies may include greater monitoring of student effort and could lead to a referral for individual assessment, possibly bringing about designated accommodations.

**School Accountability Report Card**
NWCHS will prepare each year a School Accountability Report Card (SARC) as required by state and federal law. The purpose of the SARC is to inform the parents of enrolled students, parents of prospective students, teachers, staff, and the community at large about conditions and progress at the Charter High School. NWCHS will use the model SARC template developed by the California Department of Education. The SARC template contains the following kinds of information:

- Descriptive information about the Charter School and its curriculum.
- Mission statement.
- Opportunities for parental involvement.
- Demographics of the student body.
- School safety and climate for learning, including suspensions and expulsions.
- California Standards Test (CST) results, including comparisons by subgroups to district and state results.
- Academic Performance Index (API) results and growth targets, including comparisons by subgroups to similar schools, district, state results.
- Summary of participation in federal intervention programs
• Adequate Yearly Progress (AYP) results, including comparisons by subgroups to district and state results.
  • Class size statistics.
• Teacher and staff information, including credentials, education level, teacher evaluations, substitute teachers, counselors, and other support staff.
  • Curriculum and instruction, including leadership, school instruction, professional development, textbooks, instructional minutes, and numbers of minimum days.
• Fiscal and expenditure data, including average salaries, total expenditures per student, and types of services funded.

The Executive Director/Principal serves as or appoints a SARC coordinator to manage the preparation and dissemination of the SARC. NWCHS will make the SARC available on its website as well as distributing it to parents of current and prospective students.
Scope and Sequence
(by department)

Mathematics

Algebra
The Algebra course is composed of four major units of study: Solving equations and inequalities, linear functions, quadratic functions, and rational expressions. In each of the major units of study, concepts will be explored using multiple representations so that students develop essential procedural and conceptual understandings in Algebra. The basic foundations of the algebra curriculum are developed in the first unit of study. The central theme of this unit involves solving multistep equations and inequalities. Students will become adept at identifying and defining the algebraic properties and principles used to simplify and solve multistep equations and inequalities. These skills will then be applied to writing and solving multistep equations and inequalities for word problems. Each of the concepts in the first unit will be continuously revisited and reinforced throughout the remainder of the course.

During the second unit, students use algebra to generalize, interpret, and analyze key patterns observed when working with linear functions. Particular attention is paid to patterns that relate to the concept of slope and how this concept manifests in graphs, tables, and equations. Students will also explore multiple methods of graphing linear functions including: creating a table; finding the x- and y- intercepts; using the slope-intercept form; and point slope form. With a strong linear functions foundation, students will transition into applying procedural graphing knowledge and skills to more conceptual tasks as they solve systems of equations and inequalities both graphically and algebraically. During the quadratic functions unit, students begin to master the basic factoring techniques used extensively in the remainder of the Algebra curriculum. The concept of factoring will then be applied to graphing, analyzing, and interpreting the relationship between quadratic equations and their graphs. Students will also need to master multiple factoring techniques including completing the square and using the quadratic formula. Students will then begin to apply their procedural knowledge to more conceptual tasks as they solve physical problems including motion, force, gravity, and acceleration.

The final unit of study emphasizes computational mastery in a more complex algebraic manner. Students apply basic techniques of adding, subtracting, multiplying, and dividing as they simplify rational expressions. Students also expand their skills and knowledge of operations with fractions as they apply these skills to solving rational equations.

CA State Standards
Symbolic reasoning and calculations with symbols are central in algebra. Through the study of algebra, a student develops an understanding of the symbolic language of mathematics and the sciences. In addition, algebraic skills and concepts are developed and used in a wide variety of problem-solving situations.

1.0 Students identify and use the arithmetic properties of subsets of integers and rational,
irrational, and real numbers, including closure properties for the four basic arithmetic operations where applicable:

1.1 Students use properties of numbers to demonstrate whether assertions are true or false.

2.0 Students understand and use such operations as taking the opposite, finding the reciprocal, taking a root, and raising to a fractional power. They understand and use the rules of exponents.

3.0 Students solve equations and inequalities involving absolute values.

4.0 Students simplify expressions before solving linear equations and inequalities in one variable, such as $3(2x-5) + 4(x-2) = 12$.

5.0 Students solve multistep problems, including word problems, involving linear equations and linear inequalities in one variable and provide justification for each step.

6.0 Students graph a linear equation and compute the $x$- and $y$-intercepts (e.g., graph $2x + 6y = 4$). They are also able to sketch the region defined by linear inequality (e.g., they sketch the region defined by $2x + 6y < 4$).

7.0 Students verify that a point lies on a line, given an equation of the line. Students are able to derive linear equations by using the point-slope formula.

8.0 Students understand the concepts of parallel lines and perpendicular lines and how those slopes are related. Students are able to find the equation of a line perpendicular to a given line that passes through a given point.

9.0 Students solve a system of two linear equations in two variables algebraically and are able to interpret the answer graphically. Students are able to solve a system of two linear inequalities in two variables and to sketch the solution sets.

10.0 Students add, subtract, multiply, and divide monomials and polynomials. Students solve multistep problems, including word problems, by using these techniques.

11.0 Students apply basic factoring techniques to second- and simple third-degree polynomials. These techniques include finding a common factor for all terms in a polynomial, recognizing the difference of two squares, and recognizing perfect squares of binomials.

12.0 Students simplify fractions with polynomials in the numerator and denominator by factoring both and reducing them to the lowest terms.

13.0 Students add, subtract, multiply, and divide rational expressions and functions. Students solve both computationally and conceptually challenging problems by using these techniques.
14.0 Students solve a quadratic equation by factoring or completing the square.

15.0 Students apply algebraic techniques to solve rate problems, work problems, and percent mixture problems.

16.0 Students understand the concepts of a relation and a function, determine whether a given relation defines a function, and give pertinent information about given relations and functions.

17.0 Students determine the domain of independent variables and the range of dependent variables defined by a graph, a set of ordered pairs, or a symbolic expression.

18.0 Students determine whether a relation defined by a graph, a set of ordered pairs, or a symbolic expression is a function and justify the conclusion.

19.0 Students know the quadratic formula and are familiar with its proof by completing the square.

20.0 Students use the quadratic formula to find the roots of a second-degree polynomial and to solve quadratic equations.

21.0 Students graph quadratic functions and know that their roots are the $x$-intercepts.

22.0 Students use the quadratic formula or factoring techniques or both to determine whether the graph of a quadratic function will intersect the $x$-axis in zero, one, or two points.

23.0 Students apply quadratic equations to physical problems, such as the motion of an object under the force of gravity.

24.0 Students use and know simple aspects of a logical argument:
24.1 Students explain the difference between inductive and deductive reasoning and identify and provide examples of each.
24.2 Students identify the hypothesis and conclusion in logical deduction.
24.3 Students use counterexamples to show that an assertion is false and recognize that a single counterexample is sufficient to refute an assertion.

25.0 Students use properties of the number system to judge the validity of results, to justify each step of a procedure, and to prove or disprove statements:
25.1 Students use properties of numbers to construct simple, valid arguments (direct and indirect) for, or formulate counterexamples to, claimed assertions.
25.2 Students judge the validity of an argument according to whether the properties of the real number system and the order of operations have been applied correctly at each step.
25.3 Given a specific algebraic statement involving linear, quadratic, or absolute value expressions or equations or inequalities, students determine whether the statement is true sometimes, always, or never.

**Geometry Course Description**
The course will allow students to strengthen their inductive and deductive reasoning as they examine and develop arguments, contradictions, and proofs. A significant amount of definitions, postulates, and theorems will need to be mastered by students as they perform basic proofs and then apply these proofs to real world problem solving situations. The course includes several major units of study beginning with the basic components of geometry and then proceeding to concepts involving two and three-dimensional geometric figures. The basic components unit includes a review of key notations and visual representations that will be used throughout the course. Central to this unit are the angles relationships and properties that emanate from parallel lines cut by transversals.

Building on the basic components of geometry, the next unit relates to an extensive examination of triangles. Students will work extensively with two column proofs of triangle congruence and similarity. The triangle unit continues with a closer examination of right triangles. Students will know and apply the Pythagorean theorem, Distance Formula, special right triangle relationships, and trigonometric functions to find unknown lengths and angles in right triangles. The focus of the course then transitions to a more general investigation of the properties of two-dimensional figures including the relationships between angles and sides, area, and perimeter. Students then investigate the relationships and properties of three-dimensional figures involving computations and problem solving related to volume and surface area. Finally the course concludes with the circle unit. Students will develop theorems related to chords, secants, tangents, inscribed angles and polygons. These theorems will then be applied to problem solving situations that involve missing angle and arc measures, as well as finding the length of arcs, chords, tangents, and secants.

**CA State Standards**
The geometry skills and concepts developed in this discipline are useful to all students. Aside from learning these skills and concepts, students will develop their ability to construct formal, logical arguments and proofs in geometric settings and problems.

1.0 Students demonstrate understanding by identifying and giving examples of undefined terms, axioms, theorems, and inductive and deductive reasoning.

2.0 Students write geometric proofs, including proofs by contradiction.

3.0 Students construct and judge the validity of a logical argument and give counterexamples to disprove a statement.

4.0 Students prove basic theorems involving congruence and similarity.

5.0 Students prove that triangles are congruent or similar, and they are able to use the concept of corresponding parts of congruent triangles.
6.0 Students know and are able to use the triangle inequality theorem.

7.0 Students prove and use theorems involving the properties of parallel lines cut by a transversal, the properties of quadrilaterals, and the properties of circles.

8.0 Students know, derive, and solve problems involving the perimeter, circumference, area, volume, lateral area, and surface area of common geometric figures.

9.0 Students compute the volumes and surface areas of prisms, pyramids, cylinders, cones, and spheres; and students commit to memory the formulas for prisms, pyramids, and cylinders.

10.0 Students compute areas of polygons, including rectangles, scalene triangles, equilateral triangles, rhombi, parallelograms, and trapezoids.

11.0 Students determine how changes in dimensions affect the perimeter, area, and volume of common geometric figures and solids.

12.0 Students find and use measures of sides and of interior and exterior angles of triangles and polygons to classify figures and solve problems.

13.0 Students prove relationships between angles in polygons by using properties of complementary, supplementary, vertical, and exterior angles.

14.0 Students prove the Pythagorean theorem.

15.0 Students use the Pythagorean theorem to determine distance and find missing lengths of sides of right triangles.

16.0 Students perform basic constructions with a straightedge and compass, such as angle bisectors, perpendicular bisectors, and the line parallel to a given line through a point off the line.

17.0 Students prove theorems by using coordinate geometry, including the midpoint of a line segment, the distance formula, and various forms of equations of lines and circles.

18.0 Students know the definitions of the basic trigonometric functions defined by the angles of a right triangle. They also know and are able to use elementary relationships between them.

For example, \( \tan(x) = \frac{\sin(x)}{\cos(x)} \), \( (\sin(x))^2 + (\cos(x))^2 = 1 \).

19.0 Students use trigonometric functions to solve for an unknown length of a side of a right triangle, given an angle and a length of a side.

20.0 Students know and are able to use angle and side relationships in problems with special right triangles, such as 30°, 60°, and 90° triangles and 45°, 45°, and 90° triangles.
21.0 Students prove and solve problems regarding relationships among chords, secants, tangents, inscribed angles, and inscribed and circumscribed polygons of circles.

22.0 Students know the effect of rigid motions on figures in the coordinate plane and space, including rotations, translations, and reflections.

Algebra II Course Description
Algebra II provides a review and extension of the concepts taught in Algebra I and Geometry. Throughout this course, students will develop learning strategies, critical thinking skills, and problem solving techniques to prepare for future math courses in high school and college. The course begins with an extensive review of Algebra I concepts including equation and inequalities, linear equations and functions, systems of equations, radical expressions, quadratic equations and functions, polynomials, and rational expressions. A few new concepts such as complex and imaginary numbers and solving systems of equations in two and three variables, are introduced in order to build on students basic Algebra knowledge and skills.

The Algebra II course then explores the algebraic and geometric concept of conic sections. This includes the equations and graphing for several functions that define the conic section units including the circle, ellipse, parabola, and hyperbola functions. Students will develop an understanding of inverse functions and relations including an introduction to exponential and logarithmic functions, and in particular, natural logarithms. These functions will also be used in problem solving situations. The emphasis then shifts towards a study of matrices and determinants. Students will be required to master the addition, subtraction, and multiplication of matrices. In addition to using determinants and Cramer’s Rule, students will use inverse matrices to solve systems of two or three equations.

Students will then transition to the study of sequences, series, and mathematical induction unit. Students learn to find a particular term in an arithmetic or geometric sequence. They will also compute sums of finite arithmetic and geometric series as well as of infinite geometric series.

CA State Standards
This discipline complements and expands the mathematical content and concepts of algebra I and geometry. Students who master algebra II will gain experience with algebraic solutions of problems in various content areas, including the solution of systems of quadratic equations, logarithmic and exponential functions, the binomial theorem, and the complex number system.

1.0 Students solve equations and inequalities involving absolute value.

2.0 Students solve systems of linear equations and inequalities (in two or three variables) by substitution, with graphs, or with matrices.

3.0 Students are adept at operations on polynomials, including long division.

4.0 Students factor polynomials representing the difference of squares, perfect square trinomials,
and the sum and difference of two cubes.

5. Students demonstrate knowledge of how real and complex numbers are related both arithmetically and graphically. In particular, they can plot complex numbers as points in the plane.

6. Students add, subtract, multiply, and divide complex numbers.

7. Students add, subtract, multiply, divide, reduce, and evaluate rational expressions with monomial and polynomial denominators and simplify complicated rational expressions, including those with negative exponents in the denominator.

8. Students solve and graph quadratic equations by factoring, completing the square, or using the quadratic formula. Students apply these techniques in solving word problems. They also solve quadratic equations in the complex number system.

9. Students demonstrate and explain the effect that changing a coefficient has on the graph of quadratic functions; that is, students can determine how the graph of a parabola changes as \( a, b, \) and \( c \) vary in the equation \( y = a(x-b)^2 + c \).

10. Students graph quadratic functions and determine the maxima, minima, and zeros of the function.

   11.1 Students understand the inverse relationship between exponents and logarithms and use this relationship to solve problems involving logarithms and exponents.
   11.2 Students judge the validity of an argument according to whether the properties of real numbers, exponents, and logarithms have been applied correctly at each step.

12. Students know the laws of fractional exponents, understand exponential functions, and use these functions in problems involving exponential growth and decay.

13. Students use the definition of logarithms to translate between logarithms in any base.

14. Students understand and use the properties of logarithms to simplify logarithmic numeric expressions and to identify their approximate values.

15. Students determine whether a specific algebraic statement involving rational expressions, radical expressions, or logarithmic or exponential functions is sometimes true, always true, or never true.
16.0 Students demonstrate and explain how the geometry of the graph of a conic section (e.g., asymptotes, foci, eccentricity) depends on the coefficients of the quadratic equation representing it.

17.0 Given a quadratic equation of the form $ax^2 + by^2 + cx + dy + e = 0$, students can use the method for completing the square to put the equation into standard form and can recognize whether the graph of the equation is a circle, ellipse, parabola, or hyperbola. Students can then graph the equation.

18.0 Students use fundamental counting principles to compute combinations and permutations.

19.0 Students use combinations and permutations to compute probabilities.

20.0 Students know the binomial theorem and use it to expand binomial expressions that are raised to positive integer powers.

21.0 Students apply the method of mathematical induction to prove general statements about the positive integers.

22.0 Students find the general term and the sums of arithmetic series and of both finite and infinite geometric series.

23.0 Students derive the summation formulas for arithmetic series and for both finite and infinite geometric series.

24.0 Students solve problems involving functional concepts, such as composition, defining the inverse function and performing arithmetic operations on functions.

25.0 Students use properties from number systems to justify steps in combining and simplifying functions.

Pre-Calculus Course Description
Topics in Mathematical Analysis, Trigonometry, and Linear Algebra are often combined to create a pre-calculus course needed to prepare students for the study of Calculus. The course is designed to strengthen student conceptual understanding and mathematical reasoning of techniques used in trigonometry, geometry, and algebra. Mathematical Analysis standards require students to know and apply to problem solving situations: polar coordinates and vectors; complex numbers; the fundamental theorem of algebra; conic sections; roots and poles of rational functions; functions and equations defined parametrically; and the limit of a sequences and functions. Trigonometry standards build on those concepts previously learner in the Geometry course. Students develop an understanding of angle measurements in degrees and radians and use this concept to graph in a variety of forms the sine, cosine, tangent, cotangent, secant, and cosecant functions. Several more trigonometry identities are introduced. Students will prove
these identities and use them to simplify other similar identities. The trigonometric functions will be revisited and used in problem solving situations and word problems in order to find the missing angle, side, or area of right triangles. Students must be familiar with polar coordinates and complex numbers and be able to multiply complex numbers in their polar form. Finally, students will apply these skills as they work with complex numbers in polar form using the DeMoivre’s theorem. In the Linear Algebra portion of the course the standards indicate an extensive examination and application of the algebraic and geometric interpretations of matrices and vectors. The goal of Linear Algebra is for students to learn the techniques of matrix manipulation so that they can solve systems of linear equations in any number of variables. Students must understand and know how to apply the Gauss-Jordan method and the Cramer’s rule of solving matrices.

CA State Standards

Trigonometry uses the techniques that students have previously learned from the study of algebra and geometry. The trigonometric functions studied are defined geometrically rather than in terms of algebraic equations. Facility with these functions as well as the ability to prove basic identities regarding them is especially important for students intending to study calculus, more advanced mathematics, physics and other sciences, and engineering in college.

1.0 Students understand the notion of angle and how to measure it, in both degrees and radians. They can convert between degrees and radians.

2.0 Students know the definition of sine and cosine as y- and x-coordinates of points on the unit circle and are familiar with the graphs of the sine and cosine functions.

3.0 Students know the identity \( \cos^2(x) + \sin^2(x) = 1 \):

3.1 Students prove that this identity is equivalent to the Pythagorean theorem (i.e., students can prove this identity by using the Pythagorean theorem and, conversely, they can prove the Pythagorean theorem as a consequence of this identity).

3.2 Students prove other trigonometric identities and simplify others by using the identity \( \cos^2(x) + \sin^2(x) = 1 \). For example, students use this identity to prove that \( \sec^2(x) = \tan^2(x) + 1 \).

4.0 Students graph functions of the form \( f(t) = A \sin(Bt + C) \) or \( f(t) = A \cos(Bt + C) \) and interpret \( A, B, \) and \( C \) in terms of amplitude, frequency, period, and phase shift.

5.0 Students know the definitions of the tangent and cotangent functions and can graph them.

6.0 Students know the definitions of the secant and cosecant functions and can graph them.

7.0 Students know that the tangent of the angle that a line makes with the x-axis is equal to the slope of the line.

8.0 Students know the definitions of the inverse trigonometric functions and can graph the
functions.

Mathematical Analysis
This discipline combines many of the trigonometric, geometric, and algebraic techniques needed to prepare students for the study of calculus and strengthens their conceptual understanding of problems and mathematical reasoning in solving problems. These standards take a functional point of view toward those topics. The most significant new concept is that of limits. Mathematical analysis is often combined with a course in trigonometry or perhaps with one in linear algebra to make a yearlong pre-calculus course.

1.0 Students are familiar with, and can apply, polar coordinates and vectors in the plane. In particular, they can translate between polar and rectangular coordinates and can interpret polar coordinates and vectors graphically.

2.0 Students are adept at the arithmetic of complex numbers. They can use the trigonometric form of complex numbers and understand that a function of a complex variable can be viewed as a function of two real variables. They know the proof of DeMoivre’s theorem.

3.0 Students can give proofs of various formulas by using the technique of mathematical induction.

4.0 Students know the statement of, and can apply, the fundamental theorem of algebra.

5.0 Students are familiar with conic sections, both analytically and geometrically:
5.1 Students can take a quadratic equation in two variables; put it in standard form by completing the square and using rotations and translations, if necessary; determine what type of conic section the equation represents; and determine its geometric components (foci, asymptotes, and so forth).
5.2 Students can take a geometric description of a conic section—for example, the locus of points whose sum of its distances from (1, 0) and (-1, 0) is 6—and derive a quadratic equation representing it.

6.0 Students find the roots and poles of a rational function and can graph the function and locate its asymptotes.

7.0 Students demonstrate an understanding of functions and equations defined parametrically and can graph them.

8.0 Students are familiar with the notion of the limit of a sequence and the limit of a function as the independent variable approaches a number or infinity. They determine whether certain sequences converge or diverge.

Linear Algebra
The general goal in this discipline is for students to learn the techniques of matrix manipulation so that they can solve systems of linear equations in any number of variables. Linear algebra is most often combined with another subject, such as trigonometry,
mathematical analysis, or pre-calculus.

1.0 Students solve linear equations in any number of variables by using Gauss-Jordan elimination.

2.0 Students interpret linear systems as coefficient matrices and the Gauss-Jordan method as row operations on the coefficient matrix.

3.0 Students reduce rectangular matrices to row echelon form.

4.0 Students perform addition on matrices and vectors.

5.0 Students perform matrix multiplication and multiply vectors by matrices and by scalars.

6.0 Students demonstrate an understanding that linear systems are inconsistent (have no solutions), have exactly one solution, or have infinitely many solutions.

7.0 Students demonstrate an understanding of the geometric interpretation of vectors and vector addition (by means of parallelograms) in the plane and in three-dimensional space.

8.0 Students interpret geometrically the solution sets of systems of equations. For example, the solution set of a single linear equation in two variables is interpreted as a line in the plane, and the solution set of a two-by-two system is interpreted as the intersection of a pair of lines in the plane.

9.0 Students demonstrate an understanding of the notion of the inverse to a square matrix and apply that concept to solve systems of linear equations.

10.0 Students compute the determinants of $2 \times 2$ and $3 \times 3$ matrices and are familiar with their geometric interpretations as the area and volume of the parallelepipeds spanned by the images under the matrices of the standard basis vectors in two-dimensional and three-dimensional spaces.

11.0 Students know that a square matrix is invertible if, and only if, its determinant is nonzero. They can compute the inverse to $2 \times 2$ and $3 \times 3$ matrices using row reduction methods or Cramer’s rule.

12.0 Students compute the scalar (dot) product of two vectors in $n$-dimensional space and know that perpendicular vectors have zero dot product.
**Calculus Course Description**

The prerequisites to learning and using calculus are the algebra, trigonometry, and analytical geometry skills students have developed in the preceding Algebra II and Pre Calculus classes. In addition to the rigor and depth that will permeate all aspects of this course students will hopefully also develop an appreciation for the versatility and usefulness that the study of Calculus provides to professional fields related to mathematics, science, design, technology, and engineering. The course begins with an examination of limits and continuity. Students will be required to calculate limits of function values and to test functions for continuity. Once students are able to calculate limits, they can then proceed to finding derivatives. The derivatives unit illustrates the role calculus plays in measuring the rates at which things change. Students will explore the circumstances in which derivatives exist, the basic derivative techniques, rates of change, trigonometric derivatives, major rules and laws, common differentiation tasks, and an extensive application of derivatives in real world situations.

The focus of the course then shifts from derivates to finite sums and integrals. Students will examine the close connections between derivatives and integrals though the examination of the contributions of Leibniz and Newton to the study of Calculus. During the integral unit students will be required to work extensively with integration and derivatives as these concepts relate to the graphs of exponential, inverse, logarithmic, inverse trigonometric, and hyperbolic functions. Students will know and apply several major integration rules and theorems including the Fundamental Theorem of Calculus, L’Hopital’s rule, Mean Value theorem, and Rolle’s theorem. In addition, students will apply all the above techniques and theorems of integration to finding the volumes of rotational solids and arc lengths. Calculus students then transition to the study of differential equations, sequences, and series. The section pertaining to differential equations requires students to have knowledge of the separation of variables, the types of solutions, and exponential growth and decay. Students must also be able to visualize differential equations in terms of linear approximations, slope fields, and Euler’s method. The sequence and series section allows students the opportunity to examine basic examples of infinite series such as geometric series, P-series, and the telescoping series. Students will also be able to perform a variety of infinite series convergence test. Finally an exploration of special series such as the power series, the Maclaurin series, and the Taylor series will conclude the unit.

**CA State Standards**

When taught in high school, calculus should be presented with the same level of depth and rigor as are entry-level college and university calculus courses. These standards outline a complete college curriculum in one variable calculus. Many high school programs may have insufficient time to cover all of the following content in a typical academic year. Consideration of the College Board syllabi for the Calculus AB and Calculus BC sections of the Advanced Placement Examination in Mathematics may be helpful in making curricular decisions. Calculus is a widely applied area of mathematics and involves a beautiful intrinsic theory. Students mastering this content will be exposed to both aspects of the subject.

1.0 Students demonstrate knowledge of both the formal definition and the graphical interpretation of limit of values of functions. This knowledge includes one-sided limits, infinite limits, and limits at infinity. Students know the definition of convergence and divergence of a function as the domain variable approaches either a number or infinity:
1.1 Students prove and use theorems evaluating the limits of sums, products, quotients, and composition of functions.
1.2 Students use graphical calculators to verify and estimate limits.
1.3 Students prove and use special limits, such as the limits of \( \frac{\sin(x)}{x} \) and \( \frac{1-\cos(x)}{x} \) as \( x \) tends to 0.

2.0 Students demonstrate knowledge of both the formal definition and the graphical interpretation of continuity of a function.

3.0 Students demonstrate an understanding and the application of the intermediate value theorem and the extreme value theorem.

4.0 Students demonstrate an understanding of the formal definition of the derivative of a function at a point and the notion of differentiability:
   4.1 Students demonstrate an understanding of the derivative of a function as the slope of the tangent line to the graph of the function.

4.2 Students demonstrate an understanding of the interpretation of the derivative as an instantaneous rate of change. Students can use derivatives to solve a variety of problems from physics, chemistry, economics, and so forth that involve the rate of change of a function.
4.3 Students understand the relation between differentiability and continuity.
4.4 Students derive derivative formulas and use them to find the derivatives of algebraic, trigonometric, inverse trigonometric, exponential, and logarithmic functions.

5.0 Students know the chain rule and its proof and applications to the calculation of the derivative of a variety of composite functions.

6.0 Students find the derivatives of parametrically defined functions and use implicit differentiation in a wide variety of problems in physics, chemistry, economics, and so forth.

7.0 Students compute derivatives of higher orders.

8.0 Students know and can apply Rolle’s theorem, the mean value theorem, and L’Hôpital’s rule.

9.0 Students use differentiation to sketch, by hand, graphs of functions. They can identify maxima, minima, inflection points, and intervals in which the function is increasing and decreasing.

10.0 Students know Newton’s method for approximating the zeros of a function.

11.0 Students use differentiation to solve optimization (maximum-minimum problems) in a
variety of pure and applied contexts.

12.0 Students use differentiation to solve related rate problems in a variety of pure and applied contexts.

13.0 Students know the definition of the definite integral by using Riemann sums. They use this definition to approximate integrals.

14.0 Students apply the definition of the integral to model problems in physics, economics, and so forth, obtaining results in terms of integrals.

15.0 Students demonstrate knowledge and proof of the fundamental theorem of calculus and use it to interpret integrals as anti-derivatives.

16.0 Students use definite integrals in problems involving area, velocity, acceleration, volume of a solid, area of a surface of revolution, length of a curve, and work.

17.0 Students compute, by hand, the integrals of a wide variety of functions by using techniques of integration, such as substitution, integration by parts, and trigonometric substitution. They can also combine these techniques when appropriate.

18.0 Students know the definitions and properties of inverse trigonometric functions and the expression of these functions as indefinite integrals.

19.0 Students compute, by hand, the integrals of rational functions by combining the techniques in standard 17.0 with the algebraic techniques of partial fractions and completing the square.

20.0 Students compute the integrals of trigonometric functions by using the techniques noted above.

21.0 Students understand the algorithms involved in Simpson’s rule and Newton’s method. They use calculators or computers or both to approximate integrals numerically.

22.0 Students understand improper integrals as limits of definite integrals.

23.0 Students demonstrate an understanding of the definitions of convergence and divergence of sequences and series of real numbers. By using such tests as the comparison test, ratio test, and alternate series test, they can determine whether a series converges.

24.0 Students understand and can compute the radius (interval) of the convergence of power series.
25.0 Students differentiate and integrate the terms of a power series in order to form new series from known ones.

26.0 Students calculate Taylor polynomials and Taylor series of basic functions, including the remainder term.

27.0 Students know the techniques of solution of selected elementary differential equations and their applications to a wide variety of situations, including growth-and-decay problems.

**Probability and Statistics**

This course covers the study of probability, interpretation of data, and fundamental statistical problem solving. Students must know the definitions of the notions of independent events, conditional probability, mean, median, mode, variance of a discrete random variable, and the mean of a discrete random variable. Each of these definitions will then be used to solve for probabilities and events under a diversity of statistical circumstances. Throughout the course the distributions of data will be described using different methods including frequency tables, histograms, standard line and bar graphs, stem and leaf displays, scatter plots, and box and whisker plots. For the each distribution of data students must be able to identify the standard distribution and compute the variance and standard deviation. In an advanced placement probability and statistics class students must be able to determine P-value for a statistic and be familiar with and understand the uses of a $\chi^2$-square distribution and the $\chi^2$-square test.

**CA State Standards**

This discipline is an introduction to the study of probability, interpretation of data, and fundamental statistical problem solving. Mastery of this academic content will provide students with a solid foundation in probability and facility in processing statistical information.

1.0 Students know the definition of the notion of independent events and can use the rules for addition, multiplication, and complementation to solve for probabilities of particular events in finite sample spaces.

2.0 Students know the definition of conditional probability and use it to solve for probabilities in finite sample spaces.

3.0 Students demonstrate an understanding of the notion of discrete random variables by using them to solve for the probabilities of outcomes, such as the probability of the occurrence of five heads in 14 coin tosses.

4.0 Students are familiar with the standard distributions (normal, binomial, and exponential) and can use them to solve for events in problems in which the distribution belongs to those families.
5.0 Students determine the mean and the standard deviation of a normally distributed random variable.

6.0 Students know the definitions of the mean, median, and mode of a distribution of data and can compute each in particular situations.

7.0 Students compute the variance and the standard deviation of a distribution of data.

8.0 Students organize and describe distributions of data by using a number of different methods, including frequency tables, histograms, standard line and bar graphs, stem-and-leaf displays, scatter plots, and box-and-whisker plots.
Sciences

Biology/Life Sciences
Biology is the study of processes central to the continuation and reproduction of life for all organisms. Concepts covered in this course will include the anatomy and reproduction of plant and animal cells, chemical reactions that are critical to specific organic cycles, and the concepts of genetics that explain reproduction, mutation, and evolution. Students will also learn the role of a variety of living and non-living components in maintaining balance within ecosystems, the factors and evidence of evolution, and the coordinated function and structures of organ systems in maintaining homeostasis within human bodies and other organisms.

Students will learn the concepts of biology through hands-on experimentation, simulation, and active demonstration, as well as discussion, group and individual research, and projects that apply concepts covered in class to the observable world.

CA State Standards

Cell Biology
1. The fundamental life processes of plants and animals depend on a variety of chemical reactions that occur in specialized areas of the organism’s cells. As a basis for understanding this concept:
   a. Students know cells are enclosed within semi-permeable membranes that regulate their interaction with their surroundings.
   b. Students know enzymes are proteins that catalyze biochemical reactions without altering the reaction equilibrium and the activities of enzymes depend on the temperature, ionic conditions, and the pH of the surroundings.
   c. Students know how prokaryotic cells, eukaryotic cells (including those from plants and animals), and viruses differ in complexity and general structure.
   d. Students know the central dogma of molecular biology outlines the flow of information from transcription of ribonucleic acid (RNA) in the nucleus to translation of proteins on ribosomes in the cytoplasm.
   e. Students know the role of the endoplasmic reticulum and Golgi apparatus in the secretion of proteins. f. Students know usable energy is captured from sunlight by chloroplasts and is stored through the synthesis of sugar from carbon dioxide.
   g. Students know the role of the mitochondria in making stored chemical-bond energy available to cells by completing the breakdown of glucose to carbon dioxide.
   h. Students know most macromolecules (polysaccharides, nucleic acids, proteins, lipids) in cells and organisms are synthesized from a small collection of simple precursors.
   i.* Students know how chemiossmotic gradients in the mitochondria and chloroplast store energy for ATP production. j* Students know how eukaryotic cells are given shape and internal organization by a
cytoskeleton or cell wall or both.

Genetics

2. Mutation and sexual reproduction lead to genetic variation in a population. As a basis for understanding this concept:
   a. *Students know* meiosis is an early step in sexual reproduction in which the pairs of chromosomes separate and segregate randomly during cell division to produce gametes containing one chromosome of each type.
   b. *Students know* only certain cells in a multicellular organism undergo meiosis.
   c. *Students know* how random chromosome segregation explains the probability that a particular allele will be in a gamete.
   d. *Students know* new combinations of alleles may be generated in a zygote through the fusion of male and female gametes (fertilization).
   e. *Students know* why approximately half of an individual’s DNA sequence comes from each parent.
   f. *Students know* the role of chromosomes in determining an individual’s sex.
   g. *Students know* how to predict possible combinations of alleles in a zygote from the genetic makeup of the parents.

3. A multi-cellular organism develops from a single zygote, and its phenotype depends on its genotype, which is established at fertilization. As a basis for understanding this concept:
   a. *Students know* how to predict the probable outcome of phenotypes in a genetic cross from the genotypes of the parents and mode of inheritance (autosomal or X-linked, dominant or recessive).
   b. *Students know* the genetic basis for Mendel’s laws of segregation and independent assortment.
   c. *Students know* how to predict the probable mode of inheritance from a pedigree diagram showing phenotypes.
   d. *Students know* how to use data on frequency of recombination at meiosis to estimate genetic distances between loci and to interpret genetic maps of chromosomes

4. Genes are a set of instructions encoded in the DNA sequence of each organism that specify the sequence of amino acids in proteins characteristic of that organism. As a basis for understanding this concept:
   a. *Students know* the general pathway by which ribosomes synthesize proteins, using tRNAs to translate genetic information in mRNA.
b. Students know how to apply the genetic coding rules to predict the sequence of amino acids from a sequence of codons in RNA.

c. Students know how mutations in the DNA sequence of a gene may or may not affect the expression of the gene or the sequence of amino acids in an encoded protein.

d. Students know specialization of cells in multi-cellular organisms is usually due to different patterns of gene expression rather than to differences of the genes themselves.

e. Students know proteins can differ from one another in the number and sequence of amino acids. f.* Students know why proteins having different amino acid sequences typically have different shapes and chemical properties.

5. The genetic composition of cells can be altered by incorporation of exogenous DNA into the cells. As a basis for understanding this concept:

   a. Students know the general structures and functions of DNA, RNA, and protein.

   b. Students know how to apply base-pairing rules to explain precise copying of DNA during semi-conservative replication and transcription of information from DNA into mRNA.

   c. Students know how genetic engineering (biotechnology) is used to produce novel biomedical and agricultural products.

   d.* Students know how basic DNA technology (restriction digestion by endonucleases, gel electrophoresis, ligation, and transformation) is used to construct recombinant DNA molecules.

   e.* Students know how exogenous DNA can be inserted into bacterial cells to alter their genetic makeup and support expression of new protein products.

Ecology

6. Stability in an ecosystem is a balance between competing effects. As a basis for understanding this concept:

   a. Students know biodiversity is the sum total of different kinds of organisms and is affected by alterations of habitats.

   b. Students know how to analyze changes in an ecosystem resulting from changes in climate, human activity, introduction of nonnative species, or changes in population size.

   c. Students know how fluctuations in population size in an ecosystem are determined by the relative rates of birth, immigration, emigration, and death.

   d. Students know how water, carbon, and nitrogen cycle between abiotic resources and
organic matter in the ecosystem and how oxygen cycles through photosynthesis and respiration.

e. Students know a vital part of an ecosystem is the stability of its producers and decomposers.

f. Students know at each link in a food web some energy is stored in newly made structures but much energy is dissipated into the environment as heat. This dissipation may be represented in an energy pyramid.

g.* Students know how to distinguish between the accommodation of an individual organism to its environment and the gradual adaptation of a lineage of organisms through genetic change.

Evolution

7. The frequency of an allele in a gene pool of a population depends on many factors and may be stable or unstable over time. As a basis for understanding this concept:

a. Students know why natural selection acts on the phenotype rather than the genotype of an organism.

b. Students know why alleles that are lethal in a homozygous individual may be carried in a heterozygote and thus maintained in a gene pool.

c. Students know new mutations are constantly being generated in a gene pool.

d. Students know variation within a species increases the likelihood that at least some members of a species will survive under changed environmental conditions

e.* Students know the conditions for Hardy-Weinberg equilibrium in a population and why these conditions are not likely to appear in nature.

f.* Students know how to solve the Hardy-Weinberg equation to predict the frequency of genotypes in a population, given the frequency of phenotypes.

8. Evolution is the result of genetic changes that occur in constantly changing environments. As a basis for understanding this concept:

a. Students know how natural selection determines the differential survival of groups of organisms.

b. Students know a great diversity of species increases the chance that at least some organisms survive major changes in the environment.

c. Students know the effects of genetic drift on the diversity of
organisms in a population.

  d. *Students know* reproductive or geographic isolation affects speciation.
  e. *Students know* how to analyze fossil evidence with regard to biological
diversity, episodic speciation, and mass extinction.
  f.* Students know* how to use comparative embryology, DNA or protein
sequence comparisons, and other independent sources of data to create a branching
diagram (cladogram) that shows probable evolutionary relationships.
  g.* Students know* how several independent molecular clocks, calibrated
against each other and combined with evidence from the fossil record, can help to
estimate how long ago various groups of organisms diverged evolutionarily from
one another.

**Chemistry**

For this science course, the design is to be a first-year high school chemistry course, which will
give students a rigorous foundation in chemistry in order to prepare those students for a college-
level course. The course covers significant figures, units, classification, the mole concept,
stoichiometry, thermochemistry, thermodynamics, kinetics, acids and bases, redox reactions,
solutions, atomic structure, Lewis structures, molecular geometry, the gas laws, and equilibrium.
It will examine the composition of various substances and the changes they can go through. The
periodic table and simple compounds are covered as well as the basics of Chemistry. Students
will be completing laboratory work dealing with practical skills and techniques such as weighing,
using units of metric system, and performing experiments that illustrate and reinforce the
principles taught throughout the course. In addition, the students will be writing lab reports for
every laboratory work completed in the year.

The design of the course will also show students how chemistry touches their lives almost
everywhere and everyday, in medicine, the clothes they wear, the games they play, as well as the
industries that make the things they use. For this course, the learning environment will be student
centered, knowledge centered, assessment centered, and community centered. This course will be
student centered to the extent that the teacher builds on knowledge students bring to the learning
situations. This course will be knowledge centered to the extent that the teacher helps students
develop an organized understanding of important concepts in the physics teaching discipline. This
course will be assessment centered to the extent that the teacher makes students' thinking visible
so that ideas can be presented and verified. This course will be community centered to the extent
that the teacher establishes classroom norms that learning with understanding is valued and
students feel free to explore what they do not understand.

In order to be able to understand the material, assignments and projects, students need to have
successfully completed Algebra I.

**CA State Standards**

**Atomic and Molecular Structure**

1. The periodic table displays the elements in increasing atomic number and show
periodicity of the physical and chemical properties of the elements relates to atomic
structure. As a basis for understanding this concept:

a. *Students know* how to relate the position of an element in the periodic table to its atomic number and atomic mass.

b. *Students know* how to use the periodic table to identify metals, semimetals, nonmetals, and halogens.

c. *Students know* how to use the periodic table to identify alkali metals, alkaline earth metals and transition metals, trends in ionization energy, electronegativity, and the relative sizes of ions and atoms.

d. *Students know* how to use the periodic table to determine the number of electrons available for bonding.

e. *Students know* the nucleus of the atom is much smaller than the atom yet contains most of its mass.

f.* Students know* how to use the periodic table to identify the lanthanide, actinide, and transactinide elements and know that the transuranium elements were synthesized and identified in laboratory experiments through the use of nuclear accelerators.

g.* Students know* how to relate the position of an element in the periodic table to its quantum electron configuration and to its reactivity with other elements in the table.

h.* Students know* the experimental basis for Thomson’s discovery of the electron, Rutherford’s nuclear atom, Millikan’s oil drop experiment, and Einstein’s explanation of the photoelectric effect.

i.* Students know* the experimental basis for the development of the quantum theory of atomic structure and the historical importance of the Bohr model of the atom.

j.* Students know* that spectral lines are the result of transitions of electrons between energy levels and that these lines correspond to photons with a frequency related to the energy spacing between levels using Planck’s relationship.

**Chemical Bonds**

2. Biological, chemical, and physical properties of matter result from the ability of atoms to form bonds from electrostatic forces between electrons and protons and between atoms and molecules. As a basis for understanding this concept:

a. *Students know* atoms combine to form molecules by sharing electrons to form covalent or metallic bonds or by exchanging electrons to form ionic bonds.

b. *Students know* chemical bonds between atoms in molecules such as H₂, CH₄, NH₃, HCCH₂, N₂, Cl₂, and many large biological molecules are covalent.

c. *Students know* salt crystals, such as NaCl, are repeating patterns of positive and negative ions held together by electrostatic attraction.
d. *Students know* the atoms and molecules in liquids move in a random pattern relative to one another because the intermolecular forces are too weak to hold the atoms or molecules in a solid form.

e. *Students know* how to draw Lewis dot structures

f.* *Students know* how to predict the shape of simple molecules and their polarity from Lewis dot structures.

g.* *Students know* how electronegativity and ionization energy relate to bond formation.

h.* *Students know* how to identify solids and liquids held together by van der Waals forces or hydrogen bonding and relate these forces to volatility and boiling/melting point temperatures.

**Conservation of Matter and Stoichiometry**

3. The conservation of atoms in chemical reactions leads to the principle of conservation of matter and the ability to calculate the mass of products and reactants. As a basis for understanding this concept:

a. *Students know* how to describe chemical reactions by writing balanced equations.

b. *Students know* the quantity *one mole* is set by defining one mole of carbon 12 atoms to have a mass of exactly 12 grams.

c. *Students know* one mole equals $6.02 \times 10^{23}$ particles (atoms or molecules).

d. *Students know* how to determine the molar mass of a molecule from its chemical formula and a table of atomic masses and how to convert the mass of a molecular substance to moles, number of particles, or volume of gas at standard temperature and pressure.

e. *Students know* how to calculate the masses of reactants and products in a chemical reaction from the mass of one of the reactants or products and the relevant atomic masses.

f.* *Students know* how to calculate percent yield in a chemical reaction. g.* *Students know* how to identify reactions that involve oxidation and reduction and how to balance oxidation-reduction reactions.

**Gases and Their Properties**

4. The kinetic molecular theory describes the motion of atoms and molecules and explains the properties of gases. As a basis for understanding this concept:

a. *Students know* the random motion of molecules and their collisions with a
surface create the observable pressure on that surface.

b. Students know the random motion of molecules explains the diffusion of gases.

c. Students know how to apply the gas laws to relations between the pressure, temperature, and volume of any amount of an ideal gas or any mixture of ideal gases.

d. Students know the values and meanings of standard temperature and pressure (STP).

e. Students know how to convert between the Celsius and Kelvin temperature scales.

f. Students know there is no temperature lower than 0 Kelvin.

g.* Students know the kinetic theory of gases relates the absolute temperature of a gas to the average kinetic energy of its molecules or atoms.

h.* Students know how to solve problems by using the ideal gas law in the form $PV = nRT$.

i.* Students know how to convert between the Celsius and Kelvin temperature scales.

f.* Students know there is no temperature lower than 0 Kelvin.

Acids and Bases

5. Acids, bases, and salts are three classes of compounds that form ions in water solutions As a basis for understanding this concept:

   a. Students know the observable properties of acids, bases, and salt solutions.

   b. Students know acids are hydrogen-ion-donating and bases are hydrogen-ion-accepting substances.

   c. Students know strong acids and bases fully dissociate and weak acids and bases partially dissociate.

   d. Students know how to use the pH scale to characterize acid and base solutions.

   e.* Students know the Arrhenius, Brønsted-Lowry, and Lewis acid–base definitions.

   f.* Students know how to calculate pH from the hydrogen-ion concentration. g.*

   Students know buffers stabilize pH in acid–base reactions.

Solutions

6. Solutions are homogeneous mixtures of two or more substances. As a basis for understanding this concept:

   a. Students know the definitions of solute and solvent.

   b. Students know how to describe the dissolving process at the molecular level by using
the concept of random molecular motion.

c. Students know temperature, pressure, and surface area affect the dissolving process.

d. Students know how to calculate the concentration of a solute in terms of grams per liter, molarity, parts per million, and percent composition.

e.* Students know the relationship between the molality of a solute in a solution and the solution’s depressed freezing point or elevated boiling point.

f.* Students know how molecules in a solution are separated or purified by the methods of chromatography and distillation.

Chemical Thermodynamics

7. Energy is exchanged or transformed in all chemical reactions and physical change of matter. As a basis for understanding this concept:

a. Students know how to describe temperature and heat flow in terms of the motion of molecules (or atoms).

b. Students know chemical processes can either release (exothermic) or absorb (endothermic) thermal energy.

c. Students know energy is released when a material condenses or freezes and is absorbed when a material evaporates or melts.

d. Students know how to solve problems involving heat flow and temperature changes, using known values of specific heat and latent heat of phase change.

e.* Students know how to apply Hess’s law to calculate enthalpy change in a reaction.

f.* Students know how to use the Gibbs free energy equation to determine whether a reaction would be spontaneous.

Reaction Rates

8. Chemical reaction rates depend on factors that influence the frequency of collision of reactant molecules. As a basis for understanding this concept:

a. Students know the rate of reaction is the decrease in concentration of reactants or the increase in concentration of products with time.

b. Students know how reaction rates depend on such factors as concentration, temperature, and pressure.

c. Students know the role a catalyst plays in increasing the reaction rate.

 d.* Students know the definition and role of activation energy in a chemical reaction.

Chemical Equilibrium

9. Chemical equilibrium is a dynamic process at the molecular level. As a basis for understanding this concept:
a. *Students know* how to use Le Chatelier’s principle to predict the effect of changes in concentration, temperature, and pressure.

b. *Students know* equilibrium is established when forward and reverse reaction rates are equal.

c.* *Students know* how to write and calculate an equilibrium constant expression for a reaction.

**Physics**

The conceptual study of laws of motion, forces, energy and momentum, properties and states of matter, heat and thermodynamics, wave motion, sound, light, electricity and magnetism, and atomic and nuclear physics will be the main units of this course. The course will critically teach students the nature of light reflection, refraction, and polarization while also examining the direct current, heating and the effects of various chemicals. By looking at electrical devices students use everyday, they can begin to apply physics to their daily life.

Each unit in this course discusses a separate topic and through charts, surveys and discussions, ties the various topics together. For this course, the learning environment will be student centered, knowledge centered, assessment centered, and community centered. This course will be student centered to the extent that the teacher builds on knowledge students bring to the learning situations. This course will be knowledge centered to the extent that the teacher helps students develop an organized understanding of important concepts in the physics teaching discipline. This course will be assessment centered to the extent that the teacher makes students' thinking visible so that ideas can be presented and verified. This course will be community centered to the extent that the teacher establishes classroom norms that learning with understanding is valued and students feel free to explore what they do not understand.

**CA State Standards**

**Motion and Forces**

1. Newton’s laws predict the motion of most objects. As a basis for understanding this concept:

   a. *Students know* how to solve problems that involve constant speed and average speed.

   b. *Students know* that when forces are balanced, no acceleration occurs; thus an object continues to move at a constant speed or stays at rest (Newton’s first law).

   c. *Students know* how to apply the law $F = ma$ to solve one-dimensional motion problems that involve constant forces (Newton’s second law).

   d. *Students know* that when one object exerts a force on a second object, the second object always exerts a force of equal magnitude and in the opposite direction (Newton’s third law).

   e. *Students know* the relationship between the universal law of gravitation and the effect of gravity on an object at the surface of Earth.

   f. *Students know* applying a force to an object perpendicular to the direction of its motion causes the object to change direction but not speed (e.g., Earth’s gravitational force
causes a satellite in a circular orbit to change direction but not speed).

g. *Students know* circular motion requires the application of a constant force directed toward the center of the circle.

h.* *Students know* Newton’s laws are not exact but provide very good approximations unless an object is moving close to the speed of light or is small enough that quantum effects are important.

i.* *Students know* how to solve two-dimensional trajectory problems.

j.* *Students know* how to resolve two-dimensional vectors into their components and calculate the magnitude and direction of a vector from its components.

k.* *Students know* how to solve two-dimensional problems involving balanced forces (statics).

l.* *Students know* how to solve problems in circular motion by using the formula for centripetal acceleration in the following form: \( a = \frac{v^2}{r} \).

m.* *Students know* how to solve problems involving the forces between two electric charges at a distance (Coulomb’s law) or the forces between two masses at a distance (universal gravitation).

### Conservation of Energy and Momentum

2. The laws of conservation of energy and momentum provide a way to predict and describe the movement of objects. As a basis for understanding this concept:

a. *Students know* how to calculate kinetic energy by using the formula \( E = \frac{1}{2}mv^2 \).

b. *Students know* how to calculate changes in gravitational potential energy near Earth by using the formula (change in potential energy) = \( mgh \) \( (h \) is the change in the elevation).

c. *Students know* how to solve problems involving conservation of energy in simple systems, such as falling objects.

d. *Students know* how to calculate momentum as the product \( mv \).

e. *Students know* momentum is a separately conserved quantity different from energy.

f. *Students know* an unbalanced force on an object
produces a change in its momentum.

g. Students know how to solve problems involving elastic and inelastic collisions in one dimension by using the principles of conservation of momentum and energy.

h.* Students know how to solve problems involving conservation of energy in simple systems with various sources of potential energy, such as capacitors and springs.

Heat and Thermodynamics

3. Energy cannot be created or destroyed, although in many processes energy is transferred to the environment as heat. As a basis for understanding this concept:

   a. Students know heat flow and work are two forms of energy transfer between systems.

   b. Students know that the work done by a heat engine that is working in a cycle is the difference between the heat flow into the engine at high temperature and the heat flow out at a lower temperature (first law of thermodynamics) and that this is an example of the law of conservation of energy.

   c. Students know the internal energy of an object includes the energy of random motion of the object’s atoms and molecules, often referred to as thermal energy. The greater the temperature of the object, the greater the energy of motion of the atoms and molecules that make up the object.

   d. Students know that most processes tend to decrease the order of a system over time and that energy levels are eventually distributed uniformly.

   e. Students know that entropy is a quantity that measures the order or disorder of a system and that this quantity is larger for a more disordered system.

   f.* Students know the statement “Entropy tends to increase” is a law of statistical probability that governs all closed systems (second law of thermodynamics).

   g.* Students know how to solve problems involving heat flow, work, and efficiency in a heat engine and know that all real engines lose some heat to their surroundings.

Waves

4. Waves have characteristic properties that do not depend on the type of wave. As a basis for understanding this concept:

   a. Students know waves carry energy from one place to another.

   b. Students know how to identify transverse and longitudinal waves in mechanical media, such as springs and ropes, and on the earth (seismic waves).
c. Students know how to solve problems involving wavelength, frequency, and wave speed.

d. Students know sound is a longitudinal wave whose speed depends on the properties of the medium in which it propagates.

e. Students know radio waves, light, and X-rays are different wavelength bands in the spectrum of electromagnetic waves whose speed in a vacuum is approximately $3 \times 10^8$ m/s (186,000 miles/second).

f. Students know how to identify the characteristic properties of waves: interference (beats), diffraction, refraction, Doppler effect, and polarization.

**Electric and Magnetic Phenomena**

5. Electric and magnetic phenomena are related and have many practical applications. As a basis for understanding this concept:

a. Students know how to predict the voltage or current in simple direct current (DC) electric circuits constructed from batteries, wires, resistors, and capacitors.

b. Students know how to solve problems involving Ohm’s law.

c. Students know any resistive element in a DC circuit dissipates energy, which heats the resistor. Students can calculate the power (rate of energy dissipation) in any resistive circuit element by using the formula Power = $I_R$ (potential difference) $\times I$ (current) = $I^2 R$.

d. Students know the properties of transistors and the role of transistors in electric circuits.

e. Students know charged particles are sources of electric fields and are subject to the forces of the electric fields from other charges.

f. Students know magnetic materials and electric currents (moving electric charges) are sources of magnetic fields and are subject to forces arising from the magnetic fields of other sources.

g. Students know how to determine the direction of a magnetic field produced by a current flowing in a straight wire or in a coil.

h. Students know changing magnetic fields produce electric fields, thereby inducing currents in nearby conductors.

i. Students know plasmas, the fourth state of matter, contain ions or free electrons or both and conduct electricity.

j.* Students know electric and magnetic fields contain energy and act as vector force fields.
k.* Students know the force on a charged particle in an electric field is $qE$, where $E$ is the electric field at the position of the particle and $q$ is the charge of the particle.

l.* Students know how to calculate the electric field resulting from a point charge.

m.* Students know static electric fields have as their source some arrangement of electric charges.

n.* Students know the magnitude of the force on a moving particle (with charge $q$) in a magnetic field is $qvB \sin(a)$, where $a$ is the angle between $v$ and $B$ ($v$ and $B$ are the magnitudes of vectors $v$ and $B$, respectively), and students use the right-hand rule to find the direction of this force.

o.* Students know how to apply the concepts of electrical and gravitational potential energy to solve problems involving conservation of energy.

Anatomy & Physiology

This course closely examines many of the structures and chemical processes that allow the human body to function as it should and maintain homeostasis. Students will build on their understanding of chemistry and physics as they learn about the role of many important molecules and compounds within the body and the chemical reactions necessary for life, as well as the function and structure of cells, tissues, organs, and organ systems—especially the organ systems that are central to life. Students will also learn about a variety of fields of medicine and research and some of the more prevalent diseases of today.

Students taking this course will conduct laboratory experiments, create diagrams and models, participate in dissections and virtual dissections, discuss and participate in lectures, complete individual and group research, and visit local institutions that will provide unique learning opportunities outside of the classroom.

CA State Standards

Physiology

9. As a result of the coordinated structures and functions of organ systems, the internal environment of the human body remains relatively stable (homeostatic) despite changes in the outside environment. As a basis for understanding this concept:

a. Students know how the complementary activity of major body systems provides cells with oxygen and nutrients and removes toxic waste products such as carbon dioxide.

b. Students know how the nervous system mediates communication between different parts of the body and the body’s interaction with the environment.

c. Students know how feedback loops in the nervous and endocrine systems regulate conditions in the body.

d. Students know the functions of the nervous system and the role of neurons in
transmitting electrochemical impulses.

e. *Students know* the roles of sensory neurons, interneurons, and motor neurons in sensation, thought, and response.

f.* Students know* the individual functions and sites of secretion of digestive enzymes (amylases, proteases, nucleases, lipases), stomach acid, and bile salts.

g.* Students know* the homeostatic role of the kidneys in the removal of nitrogenous wastes and the role of the liver in blood detoxification and glucose balance.

h.* Students know* the cellular and molecular basis of muscle contraction, including the roles of actin, myosin, $\text{Ca}^{2+}$, and ATP.

i.* Students know* how hormones (including digestive, reproductive, osmoregulatory) provide internal feedback mechanisms for homeostasis at the cellular level and in whole organisms.

10. Organisms have a variety of mechanisms to combat disease. As a basis for understanding the human immune response:

a. *Students know* the role of the skin in providing nonspecific defenses against infection.

b. *Students know* the role of antibodies in the body’s response to infection.

c. *Students know* how vaccination protects an individual from infectious diseases. d. *Students know* there are important differences between bacteria and viruses with respect to their requirements for growth and replication, the body’s primary defenses against bacterial and viral infections, and effective treatments of these infections.

e. *Students know* why an individual with a compromised immune system (for example, a person with AIDS) may be unable to fight off and survive infections by microorganisms that are usually benign.

f.* Students know* the roles of phagocytes, B-lymphocytes, and T-lymphocytes in the immune system.
English - Language Arts

English 9
Freshman English is a year long, introductory course to the literary canon. Students study different literary genres, including short stories, novels, poetry, drama, and non-fiction, grammar, and critical thinking skills. Students read five to eight novels and plays from the classical canon, including Charles Dickens and the Victorian Era. In addition, students read major works by Homer, Shakespeare, Harper Lee, and many others. Students are required to read both in class and out of class. In addition, students will complete formal writing assignments reflecting on selected pieces of literature. Significant grammar and composition units are studied; creative writing is developed through modeling themes and techniques from literature. Students develop mastery of thesis, support, and argumentation in composition. In addition, students develop memorization and public speaking skills, and video recording is used for student self-critiquing. Graded writing assignments will include formal essays, timed pieces, and journal writings. Research skills, including internet research, culminate with the writing of a formal research paper. Students’ study of literature continues with an increased emphasis on developing critical thinking skills.

Throughout the semester, the focus will be on developing one skill in particular: asking questions. In this course, an expectation will be for all students to be actively engaged in the reading and writing process by formulating and sharpening key questions about literary texts. Learning how to become a discriminating reader by posing interesting questions will be a central task per semester. Students are to think of each text as an “open” text. An “open” text is one that presents the reader with a multiplicity of contradictory meanings, and the pleasure of reading and rereading such a text is precisely to explore those contradictions. Indeed, as students will discover, each person brings different ideas to a literary text and draws different conclusions from it. While valuing these differences, it will also be their work not to fall into a flattening of meaning: not all interpretations and ideas are equally valid or productive. It will be their work to each have an opinion, an idea that matters, and to figure out where we stand in relation to the thoughts and opinions of others.

World Literature (10th grade)
World Literature is designed to expose students to perspectives that differ from their own, ultimately leading them to a deeper understanding of other cultures and the works that represent them. The course is a study of representative works of world literature from Antiquity, the Middle Ages, and the Renaissance. The course emphasizes the study and consideration of the literary, cultural, and human significance of selected great works of the Western and non-Western literary traditions. An emphasis will be placed on writing, speaking, and research elements corresponding to California Standards. Therefore, students will thematically study, analyze, interpret, & critique various genres of literature and other media based on the historical and cultural context of the author and his/her culture.

An important goal of the class is to promote an understanding of the works in their cultural/historical contexts and of the enduring human values, which unite the different literary traditions. The course's pedagogy gives special attention to critical thinking and writing within a framework of cultural diversity as well as comparative and interdisciplinary analysis.

Throughout the semester, the focus will be on developing one skill in particular: asking questions. In this course, an expectation will be for all students to be actively engaged in the reading and writing process by formulating and sharpening key questions about literary texts. Learning how to become a discriminating reader by posing interesting questions will be a central task per
semester. Students are to think of each text as an “open” text. An “open” text is one that presents the reader with a multiplicity of contradictory meanings, and the pleasure of reading and rereading such a text is precisely to explore those contradictions. Indeed, as students will discover, each person brings different ideas to a literary text and draws different conclusions from it. While valuing these differences, it will also be their work not to fall into a flattening of meaning: not all interpretations and ideas are equally valid or productive. It will be their work to each have an opinion, an idea that matters, and to figure out where we stand in relation to the thoughts and opinions of others.

Such texts that may be read within the course are *Antigone* by Sophocles, *All Quiet on the Western Front* by Erich Marie Remarque, *Don Quixote of La Mancha* by Miguel de Cervantes, *Lord of the Flies* by William Golding and others.

**CA State Standards for ELA 9th & 10th**

**Reading**

1.0 Word Analysis, Fluency, and Systematic Vocabulary Development

1.1 Identify and use the literal and figurative meanings of words and understand word derivations.

1.2 Distinguish between the denotative and connotative meanings of words and interpret the connotative power of words.

1.3 Identify Greek, Roman, and Norse mythology and use the knowledge to understand the origin and meaning of new words (e.g., the word *narcissistic* drawn from the myth of Narcissus and Echo).

2.0 Reading Comprehension (Focus on Informational Materials)

Students read and understand grade-level-appropriate material. They analyze the organizational patterns, arguments, and positions advanced.

*Structural Features of Informational Materials*

2.1 Analyze the structure and format of functional workplace documents, including the graphics and headers, and explain how authors use the features to achieve their purposes.

2.2 Prepare a bibliography of reference materials for a report using a variety of consumer, workplace and public documents.

*Comprehension and Analysis of Grade-Level-Appropriate Text*

2.3 Generate relevant questions about readings on issues that can be researched.

2.4 Synthesize the content from several sources or works by a single author dealing with a single issue; paraphrase the ideas and connect them to other sources and related topics to demonstrate comprehension.

2.5 Extend ideas presented in primary or secondary sources through original analysis, evaluation, and elaboration.

2.6 Demonstrate use of sophisticated learning tools by following technical directions (e.g., those found with graphic calculators and specialized software programs and in access guides to World Wide Web sites on the Internet).
**Expository Critique**

2.7 Critique the logic of functional documents by examining the sequence of information procedures in anticipation of possible reader misunderstandings.

2.8 Evaluate the credibility of an author’s argument or defense of a claim by critiquing the relationship between generalizations and evidence, the comprehensiveness of evidence, and the way in which the author’s intent affects the structure and tone of the text (e.g., in professional journals, editorials, political speeches, primary source material).

3.0 **Literary Response and Analysis** Students read and respond to historically or culturally significant works of literature that reflect and enhance their studies of history and social science.

**Structural Features of Literature**

3.1 Articulate the relationship between the expressed purposes and the characteristics of different forms of dramatic literature (e.g., comedy, tragedy, drama, dramatic monologue).

3.2 Compare and contrast the presentation of a similar theme or topic across genres to explain how the selection of genre shapes the theme or topic.

**Narrative Analysis of Grade-Level-Appropriate Text**

3.3 Analyze interactions between main and subordinate characters in a literary text (e.g., internal and external conflicts, motivations, relationships, influences) and explain the way those interactions affect the plot.

3.4 Determine characters’ traits by what the characters say about themselves in narration, dialogue, dramatic monologue, and soliloquy.

3.5 Compare works that express a universal theme and provide evidence to support the ideas expressed in a work.

3.6 Analyze and trace an author’s development of time and sequence, including the use of complex literary devices (e.g., foreshadowing, flashbacks).

3.7 Recognize and understand the significance of various literary devices, including figurative language, imagery, allegory, and symbolism, and explain their appeal.

3.8 Interpret and evaluate the impact of ambiguities, subtleties, contradictions, ironies, and incongruities in a text.

3.9 Explain how voice, persona, and the choice of a narrator affect characterization and the tone, plot, and credibility of a text.

3.10 Identify and describe the function of dialogue, scene designs, soliloquies, asides, and character foils in dramatic literature. *Literary Criticism*

3.11 Evaluate the aesthetic qualities of style, including the impact of diction and figurative language on tone, mood, and theme, using the terminology of literary criticism. (Aesthetic approach)
3.12 Analyze the way in which a work of literature is related to the themes and issues of its historical period. (Historical approach)

Writing
1.0 Writing Strategies
Students write coherent and focused essays that convey a well-defined perspective and tightly reasoned argument.

Organization and Focus
1.1 Establish a controlling impression or coherent thesis that conveys a clear and distinctive perspective on the subject and maintain a consistent tone and focus throughout the piece of writing.

1.2 Use precise language, action verbs, sensory details, appropriate modifiers, and the active rather than the passive voice.

Research and Technology
1.3 Use clear research questions and suitable research methods (e.g., library, electronic media, personal interview) to elicit and present evidence from primary and secondary sources.

1.4 Develop the main ideas within the body of the composition through supporting evidence (e.g., scenarios, commonly held beliefs, hypotheses, definitions).

1.5 Synthesize information from multiple sources and identify complexities and discrepancies in the information and the different perspectives found in each medium (e.g., almanacs, microfiche, news sources, in-depth field studies, speeches, journals, technical documents).

1.6 Integrate quotations and citations into a written text while maintaining the flow of ideas.

1.7 Use appropriate conventions for documentation in the text, notes, and bibliographies by adhering to those in style manuals (e.g., Modern Language Association Handbook, The Chicago Manual of Style).

1.8 Design and publish documents by using advanced publishing software and graphic programs.

Evaluation and Revision

1.9 Revise writing to improve the logic and coherence of the organization and controlling perspective, the precision of word choice, and the tone by taking into consideration the audience, purpose, and formality of the context.

2.0 Writing Applications (Genres and Their Characteristics) Students combine the rhetorical strategies of narration, exposition, persuasion, and description to produce texts of at least 1,500 words each.

2.1 Write biographical or autobiographical narratives or short stories:
   a. Relate a sequence of events and communicate the significance of the events to the audience. b. Locate scenes and incidents in specific places. c. Describe with concrete sensory details the sights, sounds, and smells of a scene and the specific actions, movements, gestures, and feelings of the characters; use interior monologue to depict the characters’ feelings. d. Pace the presentation of actions to accommodate changes in time and mood. e. Make effective use of
descriptions of appearance, images, shifting perspectives, and sensory details.

2.2 Write responses to literature: a. Demonstrate a comprehensive grasp of the significant ideas of literary works. b. Support important ideas and viewpoints through accurate and detailed references to the text or to other works. c. Demonstrate awareness of the author’s use of stylistic devices and an appreciation of the effects created. d. Identify and assess the impact of perceived ambiguities, nuances, and complexities within the text.

2.3 Write expository compositions, including analytical essays and research reports: a. Marshal evidence in support of a thesis and related claims, including information on all relevant perspectives. b. Convey information and ideas from primary and secondary sources accurately and coherently. c. Make distinctions between the relative value and significance of specific data, facts, and ideas. d. Include visual aids by employing appropriate technology to organize and record information on charts, maps, and graphs. e. Anticipate and address readers’ potential misunderstandings, biases, and expectations. f. Use technical terms and notations accurately.

2.4 Write persuasive compositions: a. Structure ideas and arguments in a sustained and logical fashion. b. Use specific rhetorical devices to support assertions (e.g., appeal to logic through reasoning; appeal to emotion or ethical belief; relate a personal anecdote, case study, or analogy).

Freshman Composition

Freshman Composition is designed to help students develop the rhetorical knowledge and practical habits of successful high school and college writers. In teaching basic writing in Freshman Composition, there are some principles to always keep in mind. Not all students come into class having the same abilities. They can however all profit from the class if it takes the students from the basic level and progresses from there. The basic level assumes that they can write complete sentences. There are three areas of writing that should be emphasized throughout the course. They are Organization, Clarity, and Support. They are all related concepts in that each strengthens the others, but each concept will be focused on. By the end of the course, students prepare a variety of public texts by applying knowledge of composing processes, rhetorical strategies, and textual conventions.

While mastering the three areas of writing, students will also explore the principles of rhetoric and effective expository writing. Students will learn to use the concepts of purpose, audience, and genre as they develop their own documents; to generate claims, ideas, supporting details, and evidence; to use appropriate expository structures; to produce drafts and to revise their work as they develop a final product; to produce a prose style that is readable, effective, and free from error; and to develop critical skills through an analysis of good expository writing. All reading material will be non-fiction.

CA State Standards
Writing
2.0 Writing Strategies
Students write coherent and focused essays that convey a well-defined perspective and tightly reasoned argument.

Organization and Focus
1.1 Establish a controlling impression or coherent thesis that conveys a clear and distinctive perspective on the subject and maintain a consistent tone and focus throughout the piece of writing.
1.2 Use precise language, action verbs, sensory details, appropriate modifiers, and the active rather than the passive voice.

Research and Technology
1.3 Use clear research questions and suitable research methods (e.g., library, electronic media, personal interview) to elicit and present evidence from primary and secondary sources.

1.4 Develop the main ideas within the body of the composition through supporting evidence (e.g., scenarios, commonly held beliefs, hypotheses, definitions).

1.5 Synthesize information from multiple sources and identify complexities and discrepancies in the information and the different perspectives found in each medium (e.g., almanacs, microfiche, news sources, in-depth field studies, speeches, journals, technical documents).

1.6 Integrate quotations and citations into a written text while maintaining the flow of ideas.

1.7 Use appropriate conventions for documentation in the text, notes, and bibliographies by adhering to those in style manuals (e.g., Modern Language Association Handbook, The Chicago Manual of Style).

1.8 Design and publish documents by using advanced publishing software and graphic programs.

Evaluation and Revision
1.9 Revise writing to improve the logic and coherence of the organization and controlling perspective, the precision of word choice, and the tone by taking into consideration the audience, purpose, and formality of the context.

2.0 Writing Applications (Genres and Their Characteristics) Students combine the rhetorical strategies of narration, exposition, persuasion, and description to produce texts of at least 1,500 words each.

2.1 Write biographical or autobiographical narratives or short stories:
   a. Relate a sequence of events and communicate the significance of the events to the audience.
   b. Locate scenes and incidents in specific places.
   c. Describe with concrete sensory details the sights, sounds, and smells of a scene and the specific actions, movements, gestures, and feelings of the characters; use interior monologue to depict the characters’ feelings.
   d. Pace the presentation of actions to accommodate changes in time and mood.
   e. Make effective use of descriptions of appearance, images, shifting perspectives, and sensory details.

2.2 Write responses to literature:
   a. Demonstrate a comprehensive grasp of the significant ideas of literary works.
   b. Support important ideas and viewpoints through accurate and detailed references to the text or to other works.
   c. Demonstrate awareness of the author’s use of stylistic devices and an appreciation of the effects created.
   d. Identify and assess the impact of perceived ambiguities, nuances, and complexities within the text.

2.3 Write expository compositions, including analytical essays and research reports:
   a. Marshal evidence in support of a thesis and related claims, including information on all relevant perspectives.
   b. Convey information and ideas from primary and secondary sources accurately and coherently.
   c. Make distinctions between the relative value and significance of specific data, facts, and ideas.
   d. Include visual aids by employing appropriate technology to organize and
record information on charts, maps, and graphs. e. Anticipate and address readers’ potential misunderstandings, biases, and expectations. f. Use technical terms and notations accurately.

**American Literature (11th grade)**

The core of the curriculum is a chronological or thematic study of American literature, its literary periods and major writers. Outside reading focuses on broader philosophical ideas, encouraging wider reading including classics by American authors. This course provides an intensive study of the works of several major American authors. Emphasis is placed on American history, culture, and the literary merits. Readings will include poems, novels, essays, autobiographies, short stories, social commentaries, political tracts, and philosophy, originating in different regions and social settings across the country. Some works are chosen from their historical importance, others for their thematic insight, others for their aesthetic virtues. Taken together, they form a rich collection of imaginative and critical writing, composed by former slaves and United States Presidents, by immigrants and expatriates, by Harvard professors and unknown spinsters.

To the contrary, the traditional canon is an essential element of this course, and the syllabus includes writers like Mark Twain, William Faulkner, T.S. Eliot, and Ernest Hemingway. The goal is to juxtapose their work with African American writing and actively pursue discussions arising from the similarities, differences, and variations that may present themselves. By placing an added focus on African American writers and issues of race, a specific "lens" is applied to this course. Thus, the parameters for this vision are defined. This can be the most effective way to approach American literature. As a whole, American literature is too massive to magically be "taken in" by a general method of study. The best way to enter into American literature is by applying a series of lenses. Race may be our focus now, but beyond this course, students may approach the works of other ethnic groups.

**British Literature (12th grade)**

Students will read a wide variety of British literature from the Anglo-Saxon invasion through the first half of 20th century. In addition to the assigned text, students will also be responsible for outside independent reading. Emphasis is placed on historical background, cultural context, and literary analysis of selected prose, poetry, and drama. Readings in the first semester of the course range from *Beowulf* and *The Canterbury Tales* through works by Sir Thomas Malory, Edmund Spencer, Christopher Marlowe, Sir Walter Scott, John Donne and Andrew Marvell to discuss works from the Anglo-Saxon invasion to the Middle Ages and the 18th Century. Readings in the second semester of the course consist of major works of British Literature from 1789 to the present, including such texts by Blake, Byron, Wordsworth, Keats, Shelly, Tennyson, Browning, Arnold, Carlyle, Hardy, Conrad, Yeats, Woolfe, Joyce and Eliot. Upon completion, students should be able to interpret, analyze, and respond to literary works in their historical and cultural contexts.

Students will be responsible for learning through tests, quizzes, group and individual presentations, and a variety of writing assignments. The writing will stem directly from the reading and provide students the opportunity to improve expository and persuasive skills. Class writing activities will also include some informal, personal narrative, and creative writing to help clarify ideas and stimulate discussion about the readings. The course focuses on the specific history and development of British literature. Therefore one main objective is for students to learn information about writers, their works, and literary movements.
Throughout the semester, the focus will be on developing one skill in particular: asking questions. In this course, an expectation will be for all students to be actively engaged in the reading and writing process by formulating and sharpening key questions about literary texts. Learning how to become a discriminating reader by posing interesting questions will be a central task per semester. Students are to think of each text as an “open” text. It will be their work to each have an opinion, an idea that matters, and to figure out where we stand in relation to the thoughts and opinions of others.

CA State Standards for 11th & 12th grade

1.0 Word Analysis, Fluency, and Systematic Vocabulary Development

Students apply their knowledge of word origins to determine the meaning of new words encountered in reading materials and use those words accurately.

*Vocabulary and Concept Development*

1.1 Trace the etymology of significant terms used in political science and history.

1.2 Apply knowledge of Greek, Latin, and Anglo-Saxon roots and affixes to draw inferences concerning the meaning of scientific and mathematical terminology.

1.3 Discern the meaning of analogies encountered, analyzing specific comparisons as well as relationships and inferences.

2.0 Reading Comprehension (Focus on Informational Materials)

Students read and understand grade-level-appropriate material. They analyze the organizational patterns, arguments, and positions advanced.

*Structural Features of Informational Materials*

2.1 Analyze both the features and the rhetorical devices of different types of public documents (e.g., policy statements, speeches, debates, platforms) and the way in which authors use those features and devices. *Comprehension and Analysis of Grade-Level-Appropriate Text*

2.2 Analyze the way in which clarity of meaning is affected by the patterns of organization, hierarchical structures, repetition of the main ideas, syntax, and word choice in the text.

2.3 Verify and clarify facts presented in other types of expository texts by using a variety of consumer, workplace, and public documents.

2.4 Make warranted and reasonable assertions about the author’s arguments by using elements of the text to defend and clarify interpretations.

2.5 Analyze an author’s implicit and explicit philosophical assumptions and beliefs about a subject.

*Expository Critique*

2.6 Critique the power, validity, and truthfulness of arguments set forth in public documents; their appeal to both friendly and hostile audiences; and the extent to which the arguments anticipate and address reader concerns and counterclaims (e.g., appeal to reason, to authority, to pathos and emotion).

3.0 Literary Response and Analysis
Students read and respond to historically or culturally significant works of literature that reflect and enhance their studies of history and social science.

**Structural Features of Literature**

3.1 Analyze characteristics of subgenres (e.g., satire, parody, allegory, pastoral) that are used in poetry, prose, plays, novels, short stories, essays, and other basic genres.

**Narrative Analysis of Grade-Level-Appropriate Text**

3.2 Analyze the way in which the theme or meaning of a selection represents a view or comment on life, using textual evidence to support the claim.

3.3 Analyze the ways in which irony, tone, mood, the author’s style, and the “sound” of language achieve specific rhetorical or aesthetic purposes or both.

3.4 Analyze ways in which poets use imagery, personification, figures of speech, and sounds to evoke readers’ emotions.

3.5 Analyze recognized works of American literature representing a variety of genres and traditions: a. Trace the development of American literature from the colonial period forward. b. Contrast the major periods, themes, styles, and trends and describe how works by members of different cultures relate to one another in each period. c. Evaluate the philosophical, political, religious, ethical, and social influences of the historical period that shaped the characters, plots, and settings.

3.6 Analyze the way in which authors through the centuries have used archetypes drawn from myth and tradition in literature, film, political speeches, and religious writings (e.g., how the archetypes of banishment from an ideal world may be used to interpret Shakespeare’s tragedy *Macbeth*).

3.7 Analyze recognized works of world literature from a variety of authors: a. Contrast the major literary forms, techniques, and characteristics of the major literary periods (e.g., Homeric Greece, medieval, romantic, neoclassic, modern). b. Relate literary works and authors to the major themes and issues of their eras. c. Evaluate the philosophical, political, religious, ethical, and social influences of the historical period that shaped the characters, plots, and settings.

**Literary Criticism**

3.8 Analyze the clarity and consistency of political assumptions in a selection of literary works or essays on the topics (e.g. suffrage, women’s role in organized labor).

3.9 Analyze the philosophical arguments presented in literary works to determine whether the authors’ positions have contributed to the quality of each work and the credibility of the characters. (Philosophical approach)

**Advanced Composition**

While continuing to build on the knowledge and skills developed in Freshman Composition and throughout NWCHS’s English courses, Advanced Composition focuses on the relationship between critical reading and writing in an academic context. Students will learn to read sources carefully and critically and to evaluate information and arguments; to represent their reading accurately and fairly through summary, paraphrase, and quotation; and to use sources appropriately in their own writing. They will also learn to use an academic library and
appropriate research tools. These reading, writing, and research skills will be developed in the context of preparing critical analyses and arguments, including a formal research paper.

Students in Advanced Composition complete four to six major assignments including a research paper. Major assignments of the course reflect the following emphasis: Analysis and Response to Argument; Construction and Presentation of Argument; Survey and Annotation of Resources; and Academic Research Essay. The final research paper must reveal genuine research with the assimilation of a number of appropriate sources and meet all standards of writing and research presented in class.

CA State Standards

1.0 Writing Strategies
Students write coherent and focused texts that convey a well-defined perspective and tightly reasoned argument. The writing demonstrates students’ awareness of the audience and purpose and progression through the stages of the writing process.

Organization and Focus
1.1 Demonstrate an understanding of the elements of discourse (e.g., purpose, speaker, audience, form) when completing narrative, expository, persuasive, or descriptive writing assignments.

1.2 Use point of view, characterization, style (e.g., use of irony), and related elements for specific rhetorical and aesthetic purposes.

1.3 Structure ideas and arguments in a sustained, persuasive, and sophisticated way and support them with precise and relevant examples.

1.4 Enhance meaning by employing rhetorical devices, including the extended use of parallelism, repetition, and analogy; the incorporation of visual aids (e.g., graphs, tables, pictures); and the issuance of a call for action.

1.5 Use language in natural, fresh, and vivid ways to establish a specific tone.

Research and Technology
1.6 Develop presentations by using clear research questions and creative and critical research strategies (e.g., field studies, oral histories, interviews, experiments, electronic sources).

1.7 Use systematic strategies to organize and record information (e.g., anecdotal scripting, annotated bibliographies).

1.8 Integrate databases, graphics, and spreadsheets into word-processed documents. Evaluation and Revision

1.9 Revise text to highlight the individual voice, improve sentence variety and style, and enhance subtlety of meaning and tone in ways that are consistent with the purpose, audience, and genre.

2.0 Writing Applications (Genres and Their Characteristics) Students combine the rhetorical strategies of narration, exposition, persuasion, and description to produce texts of at least 1,500 words each.

2.1 Write fictional, autobiographical, or biographical narratives: a. Narrate a sequence of events and communicate their significance to the audience. b. Locate scenes and incidents in specific
places. c. Describe with concrete sensory details the sights, sounds, and smells of a scene and the specific actions, movements, gestures, and feelings of the characters; use interior monologue to depict the characters’ feelings. d. Pace the presentation of actions to accommodate temporal, spatial, and dramatic mood changes. e. Make effective use of descriptions of appearance, images, shifting perspectives, and sensory details.

2.2 Write responses to literature: a. Demonstrate a comprehensive understanding of the significant ideas in works or passages. b. Analyze the use of imagery, language, universal themes, and unique aspects of the text. c. Support important ideas and viewpoints through accurate and detailed references to the text and to other works. d. Demonstrate an understanding of the author’s use of stylistic devices and an appreciation of the effects created. e. Identify and assess the impact of perceived ambiguities, nuances, and complexities within the text.

2.3 Write reflective compositions: a. Explore the significance of personal experiences, events, conditions, or concerns by using rhetorical strategies (e.g., narration, description, exposition, persuasion). b. Draw comparisons between specific incidents and broader themes that illustrate the writer’s important beliefs or generalizations about life. c. Maintain a balance in describing individual incidents and relate those incidents to more general and abstract ideas.

2.4 Write historical investigation reports: a. Use exposition, narration, description, argumentation, or some combination of rhetorical strategies to support the main proposition. b. Analyze several historical records of a single event, examining critical relationships between elements of the research topic. c. Explain the perceived reason or reasons for the similarities and differences in historical records with information derived from primary and secondary sources to support or enhance the presentation. d. Include information from all relevant perspectives and take into consideration the validity and reliability of sources. e. Include a formal bibliography.

2.5 Write job applications and résumés: a. Provide clear and purposeful information and address the intended audience appropriately. b. Use varied levels, patterns, and types of language to achieve intended effects and aid comprehension. c. Modify the tone to fit the purpose and audience. d. Follow the conventional style for that type of document (e.g., résumé, memorandum) and use page formats, fonts, and spacing that contribute to the readability and impact of the document.

2.6 Deliver multimedia presentations: a. Combine text, images, and sound and draw information from many sources (e.g., television broadcasts, videos, films, newspapers, magazines, CD-ROMs, the Internet, electronic media-generated images). b. Select an appropriate medium for each element of the presentation. c. Use the selected media skillfully, editing appropriately and monitoring for quality. d. Test the audience’s response and revise the presentation accordingly.
History - Social Sciences

World History (10th grade)

By the end of the course, students will have a solid foundation of the problems and success of the 20th century and how they affect life today in the 21st century. Throughout the year students will develop critical questioning and thinking skills to objectively study history using a variety of primary and secondary sources. Students will participate and learn through structured class simulations, college level class discussions, multimedia presentations (including the internet, documentary and feature films, broadcast news including television and radio, and a host of others), individual and group projects, formal research essays, and field trips.

In World History students will first review the principles and the ideas of democracy and citizen participation from its early beginnings in Greece (Plato’s Republic and Aristotle’s Politics) and analyze how they influenced revolutions thousands of years later in England (Glorious Revolution), the United States (American Revolution), Latin America (Simon Bolivar’s campaigns) and in France (French Revolution). As these countries came into their own they began stretching their influences into countries around the world.

Students will examine the role the industrial revolution and capitalism played in the era of New Imperialism with European and American expansions in Latin America, Asia (including China, Southeast Asia, and the Philippines), and Africa. Students will begin to connect the successes and failures of these endeavors to future partnerships and conflicts around the globe.

Students will understand the causes and lasting political and social effects of the two World Wars including the beginning of the Cold War and the division of the world into Communist and Capitalist spheres of influences. Students should understand these two divisions and how they led to further problems in the world like the Korean War, Cuban Missile Crisis, and the Vietnam War.

By the end of the year, students will have a solid foundation of the problems and success of the 20th century and how they affect life today in the 21st century. Throughout the year students will have developed critical questioning and thinking skills so they can objectively study history using a variety of primary and secondary sources.

CA State Standards

10.1 Students relate the moral and ethical principles in ancient Greek and Roman philosophy, in Judaism, and in Christianity to the development of Western political thought.

1. Analyze the similarities and differences in Judeo-Christian and Greco-Roman views of law, reason and faith, and duties of the individual.

2. Trace the development of the Western political ideas of the rule of law and illegitimacy of tyranny, using selections from Plato’s Republic and Aristotle’s Politics.

3. Consider the influence of the U.S. Constitution on political systems in the contemporary world.

10.2 Students compare and contrast the Glorious Revolution of England, the American Revolution, and the French Revolution and their enduring effects worldwide on
the political expectations for self-government and individual liberty.

1. Compare the major ideas of philosophers and their effects on the democratic revolutions in England, the United States, France, and Latin America (e.g., John Locke Charles-Louis Montesquieu, Jean-Jacques Rousseau, Simón Bolivar, Thomas Jefferson, James Madison).

2. List the principles of the Magna Carta, the English Bill of Rights (1689), the American Declaration of Independence (1776), the French Declaration of the Rights of Man and the Citizen (1789), and the U.S. Bill of Rights (1791).

3. Understand the unique character of the American Revolution, its spread to other parts of the world, and its continuing significance to other nations.

4. Explain how the ideology of the French Revolution led France to develop from constitutional monarchy to democratic despotism to the Napoleonic empire.

5. Discuss how nationalism spread across Europe with Napoleon but was repressed for a generation under the Congress of Vienna and Concert of Europe until the Revolutions of 1848.

10.3 Students analyze the effects of the Industrial Revolution in England, France, Germany, Japan, and the United States.

1. Analyze why England was the first country to industrialize.

2. Examine how scientific and technological changes and new forms of energy brought about massive social, economic, and cultural change (e.g., the inventions and discoveries of James Watt, Eli Whitney, Henry Bessemer, Louis Pasteur, Thomas Edison).

3. Describe the growth of population, rural to urban migration, and growth of cities associated with the Industrial Revolution.

4. Trace the evolution of work and labor, including the demise of the slave trade and the effects of immigration, mining and manufacturing, division of labor, and the union movement.

5. Understand the connections among natural resources, entrepreneurship, labor, and capital in an industrial economy.

6. Analyze the emergence of capitalism as a dominant economic pattern and the responses to it, including Utopianism, Social Democracy, Socialism, and Communism.

7. Describe the emergence of Romanticism in art and literature (e.g., the poetry of William Blake and William Wordsworth), social criticism (e.g., the novels of Charles Dickens), and the move away from Classicism in Europe.

10.4 Students analyze patterns of global change in the era of New Imperialism in at least two of the following regions or countries: Africa, Southeast Asia, China, India, Latin America, and the Philippines.

1. Describe the rise of industrial economies and their link to imperialism and colonialism (e.g., the role played by national security and strategic advantage; moral issues raised by the search for national hegemony, Social Darwinism, and the missionary impulse; material issues such as land, resources, and technology).

2. Discuss the locations of the colonial rule of such nations as England, France, Germany, Italy, Japan, the Netherlands, Russia, Spain, Portugal, and the United States.

3. Explain imperialism from the perspective of the colonizers and the colonized and the varied immediate and long-term responses by the people under colonial rule.

4. Describe the independence struggles of the colonized regions of the world, including the roles
of leaders, such as Sun Yat-sen in China, and the roles of ideology and religion.

10.5 Students analyze the causes and course of the First World War.

1. Analyze the arguments for entering into war presented by leaders from all sides of the Great War and the role of political and economic rivalries, ethnic and ideological conflicts, domestic discontent and disorder, and propaganda and nationalism in mobilizing the civilian population in support of “total war.”
2. Examine the principal theaters of battle, major turning points, and the importance of geographic factors in military decisions and outcomes (e.g., topography, waterways, distance, climate).
3. Explain how the Russian Revolution and the entry of the United States affected the course and outcome of the war.
4. Understand the nature of the war and its human costs (military and civilian) on all sides of the conflict, including how colonial peoples contributed to the war effort.
5. Discuss human rights violations and genocide, including the Ottoman government’s actions against Armenian citizens.

10.6 Students analyze the effects of the First World War.

1. Analyze the aims and negotiating roles of world leaders, the terms and influence of the Treaty of Versailles and Woodrow Wilson’s Fourteen Points, and the causes and effects of the United States’s rejection of the League of Nations on world politics.
2. Describe the effects of the war and resulting peace treaties on population movement, the international economy, and shifts in the geographic and political borders of Europe and the Middle East.
3. Understand the widespread disillusionment with prewar institutions, authorities, and values that resulted in a void that was later filled by totalitarians.
4. Discuss the influence of World War I on literature, art, and intellectual life in the West (e.g., Pablo Picasso, the “lost generation” of Gertrude Stein, Ernest Hemingway).

10.7 Students analyze the rise of totalitarian governments after World War I.

1. Understand the causes and consequences of the Russian Revolution, including Lenin’s use of totalitarian means to seize and maintain control (e.g., the Gulag).
2. Trace Stalin’s rise to power in the Soviet Union and the connection between economic policies, political policies, the absence of a free press, and systematic violations of human rights (e.g., the Terror Famine in Ukraine).
3. Analyze the rise, aggression, and human costs of totalitarian regimes (Fascist and Communist) in Germany, Italy, and the Soviet Union, noting especially their common and dissimilar traits.

10.8 Students analyze the causes and consequences of World War II.

1. Compare the German, Italian, and Japanese drives for empire in the 1930s, including the 1937 Rape of Nanking, other atrocities in China, and the Stalin-Hitler Pact of 1939.
2. Understand the role of appeasement, nonintervention (isolationism), and the domestic distractions in Europe and the United States prior to the outbreak of World War II.
3. Identify and locate the Allied and Axis powers on a map and discuss the major turning points of the war, the principal theaters of conflict, key strategic decisions, and the resulting war conferences and political resolutions, with emphasis on the importance of geographic factors.
4. Describe the political, diplomatic, and military leaders during the war (e.g., Winston Churchill, Franklin Delano Roosevelt, Emperor Hirohito, Adolf Hitler, Benito Mussolini, Joseph Stalin, Douglas MacArthur, Dwight Eisenhower).

5. Analyze the Nazi policy of pursuing racial purity, especially against the European Jews; its transformation into the Final Solution; and the Holocaust that resulted in the murder of six million Jewish civilians.

6. Discuss the human costs of the war, with particular attention to the civilian and military losses in Russia, Germany, Britain, the United States, China, and Japan.

10.9 Students analyze the international developments in the post-World War II world.

1. Compare the economic and military power shifts caused by the war, including the Yalta Pact, the development of nuclear weapons, Soviet control over Eastern European nations, and the economic recoveries of Germany and Japan.

2. Analyze the causes of the Cold War, with the free world on one side and Soviet client states on the other, including competition for influence in such places as Egypt, the Congo, Vietnam, and Chile.

1. Understand the importance of the Truman Doctrine and the Marshall Plan, which established the pattern for America’s postwar policy of supplying economic and military aid to prevent the spread of Communism and the resulting economic and political competition in arenas such as Southeast Asia (i.e., the Korean War, Vietnam War), Cuba, and Africa.

2. Analyze the Chinese Civil War, the rise of Mao Tse-tung, and the subsequent political and economic upheavals in China (e.g., the Great Leap Forward, the Cultural Revolution, and the Tiananmen Square uprising).

3. Describe the uprisings in Poland (1956), Hungary (1956), and Czechoslovakia (1968) and those countries’ resurgence in the 1970s and 1980s as people in Soviet satellites sought freedom from Soviet control.

4. Understand how the forces of nationalism developed in the Middle East, how the Holocaust affected world opinion regarding the need for a Jewish state, and the significance and effects of the location and establishment of Israel on world affairs.

5. Analyze the reasons for the collapse of the Soviet Union, including the weakness of the command economy, burdens of military commitments, and growing resistance to Soviet rule by dissidents in satellite states and the non-Russian Soviet republics.


10.10 Students analyze instances of nation-building in the contemporary world in at least two of the following regions or countries: the Middle East, Africa, Mexico and other parts of Latin America, and China.

1. Understand the challenges in the regions, including their geopolitical, cultural, military, and economic significance and the international relationships in which they are involved.

2. Describe the recent history of the regions, including political divisions and systems, key leaders, religious issues, natural features, resources, and population patterns.

3. Discuss the important trends in the regions today and whether they appear to serve the cause of individual freedom and democracy.
10.11 Students analyze the integration of countries into the world economy and the information, technological, and communications revolutions (e.g., television, satellites, computers).

**US History (11th grade)**

By the end of US History, students will have a solid foundation of the economic, social, political, and military history of the United States with an emphasis on the huge turning points between the 1920s through the 1980s. Students will build upon their global knowledge learned in 10th grade analyzing where the United States fits in the global picture over this period of time and the steps the country took to become a global super power. Students will participate and learn through structured class simulations, college level class discussions, multimedia presentations (including the internet, documentary and feature films, broadcast news including television and radio, and a host of others), individual and group projects, formal research essays, and field trips.

The class will begin with a comprehensive review of the founding principals and examine how the US succeeded or failed in implementing the ideals found in the countries founding documents (The Declaration of Independence and The Constitution). Time will be taken to examine the effects of the Civil War and the industrial revolution putting the United States on track to become the most dominant country in the world.

Students will study the migration of people from rural to urban cities and the problems associated with workplace safety, issues surrounding immigration and treatment of immigrants in large cities. They will study the lives of those living through the Roaring 20’s focusing on literature and music, major domestic and international developments including Prohibition and the rise of organized crime, and the birth of the movie industry diffusing popular culture to the rest of the world. Unfortunately, students will learn the downside of such explosive growth and lax regulations examining the causes and impacts of the Great Depression. Students will examine the effects and controversies surrounding Roosevelt’s New Deal including the increase of the federal government.

Students will explore the main causes, course, and ultimate lasting effects of World War Two focusing on FDR’s foreign policy, the average American soldier and contributions of different military groups (Navajo Code Talkers, Tuskegee Airmen et al). At the conclusion of the war, students will examine the attempts to rebuild Europe and begin to focus on the conflict between capitalist and communist countries focusing on US foreign policy since WWII and major Cold War events.

Lastly, students will examine the major steps taken to gain equal civil and voting rights in the US from the 1940s through the Civil Rights era in the 1960s but also looking at the feminist movements of the 60’s and 70’s.

**CA State Standards**

11.1 Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence.

1. Describe the Enlightenment and the rise of democratic ideas as the context in which the nation was founded.

2. Analyze the ideological origins of the American Revolution, the Founding Fathers’ philosophy of divinely bestowed unalienable natural rights, the debates on the drafting and ratification of the Constitution, and the addition of the Bill of Rights.

3. Understand the history of the Constitution after 1787 with emphasis on federal versus state
authority and growing democratization.

4. Examine the effects of the Civil War and Reconstruction and of the industrial revolution, including demographic shifts and the emergence in the late nineteenth century of the United States as a world power.

11.2 Students analyze the relationship among the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe.

1. Know the effects of industrialization on living and working conditions, including the portrayal of working conditions and food safety in Upton Sinclair’s *The Jungle*.
2. Describe the changing landscape, including the growth of cities linked by industry and trade, and the development of cities divided according to race, ethnicity, and class.
3. Trace the effect of the Americanization movement.
4. Analyze the effect of urban political machines and responses to them by immigrants and middle-class reformers.
5. Discuss corporate mergers that produced trusts and cartels and the economic and political policies of industrial leaders.
6. Trace the economic development of the United States and its emergence as a major industrial power, including its gains from trade and the advantages of its physical geography.
7. Analyze the similarities and differences between the ideologies of Social Darwinism and Social Gospel (e.g., using biographies of William Graham Sumner, Billy Sunday, Dwight L. Moody).
8. Examine the effect of political programs and activities of Populists.
9. Understand the effect of political programs and activities of the Progressives (e.g., federal regulation of railroad transport, Children’s Bureau, the Sixteenth Amendment, Theodore Roosevelt, Hiram Johnson).

11.3 Students analyze the role religion played in the founding of America, its lasting moral, social, and political impacts, and issues regarding religious liberty.

1. Describe the contributions of various religious groups to American civic principles and social reform movements (e.g., civil and human rights, individual responsibility and the work ethic, antimonarchy and self-rule, worker protection, family-centered communities).
2. Analyze the great religious revivals and the leaders involved in them, including the First Great Awakening, the Second Great Awakening, the Civil War revivals, the Social Gospel Movement, the rise of Christian liberal theology in the nineteenth century, the impact of the Second Vatican Council, and the rise of Christian fundamentalism in current times.
3. Cite incidences of religious intolerance in the United States (e.g., persecution of Mormons, anti-Catholic sentiment, anti-Semitism).
4. Discuss the expanding religious pluralism in the United States and California that resulted from large-scale immigration in the twentieth century.
5. Describe the principles of religious liberty found in the Establishment and Free Exercise clauses of the First Amendment, including the debate on the issue of separation of church and state.
11.4 Students trace the rise of the United States to its role as a world power in the twentieth century.

1. List the purpose and the effects of the Open Door policy.
3. Discuss America’s role in the Panama Revolution and the building of the Panama Canal.
5. Analyze the political, economic, and social ramifications of World War I on the home front.
6. Trace the declining role of Great Britain and the expanding role of the United States in world affairs after World War II.

11.5 Students analyze the major political, social, economic, technological, and

1. Discuss the policies of Presidents Warren Harding, Calvin Coolidge, and Herbert Hoover.
2. Analyze the international and domestic events, interests, and philosophies that prompted attacks on civil liberties, including the Palmer Raids, Marcus Garvey’s “back-to-Africa” movement, the Ku Klux Klan, and immigration quotas and the responses of organizations such as the American Civil Liberties Union, the National Association for the Advancement of Colored People, and the Anti-Defamation League to those attacks.
3. Examine the passage of the Eighteenth Amendment to the Constitution and the Volstead Act (Prohibition).
4. Analyze the passage of the Nineteenth Amendment and the changing role of women in society.
5. Describe the Harlem Renaissance and new trends in literature, music, and art, with special attention to the work of writers (e.g., Zora Neale Hurston, Langston Hughes).
6. Trace the growth and effects of radio and movies and their role in the worldwide diffusion of popular culture.
7.
8. Discuss the rise of mass production techniques, the growth of cities, the impact of new technologies (e.g., the automobile, electricity), and the resulting prosperity and effect on the American landscape.

11.6 Students analyze the different explanations for the Great Depression and how the New Deal fundamentally changed the role of the federal government.

1. Describe the monetary issues of the late nineteenth and early twentieth centuries that gave rise to the establishment of the Federal Reserve and the weaknesses in key sectors of the economy in the late 1920s.
2. Understand the explanations of the principal causes of the Great Depression and the steps taken by the Federal Reserve, Congress, and Presidents Herbert Hoover and Franklin Delano Roosevelt to combat the economic crisis.
3. Discuss the human toll of the Depression, natural disasters, and unwise agricultural practices and their effects on the depopulation of rural regions and on political movements of the left and right, with particular attention to the Dust Bowl refugees and their social and economic impacts in California.
4. Analyze the effects of and the controversies arising from New Deal economic policies and the expanded role of the federal government in society and the economy since the 1930s (e.g., Works Progress Administration, Social Security, National Labor Relations Board, farm
programs, regional development policies, and energy development projects such as the Tennessee Valley Authority, California Central Valley Project, and Bonneville Dam).

5. Trace the advances and retreats of organized labor, from the creation of the American Federation of Labor and the Congress of Industrial Organizations to current issues of a postindustrial, multinational economy, including the United Farm Workers in California.

11.7 Students analyze America’s participation in World War II.

1. Examine the origins of American involvement in the war, with an emphasis on the events that precipitated the attack on Pearl Harbor.
2. Explain U.S. and Allied wartime strategy, including the major battles of Midway, Normandy, Iwo Jima, Okinawa, and the Battle of the Bulge.
3. Identify the roles and sacrifices of individual American soldiers, as well as the unique contributions of the special fighting forces (e.g., the Tuskegee Airmen, the 442nd Regimental Combat team, the Navajo Code Talkers).
4. Analyze Roosevelt’s foreign policy during World War II (e.g., Four Freedoms speech).
5. Discuss the constitutional issues and impact of events on the U.S. home front, including the internment of Japanese Americans (e.g., Fred Korematsu v. United States of America) and the restrictions on German and Italian resident aliens; the response of the administration to Hitler’s atrocities against Jews and other groups; the roles of women in military production; and the roles and growing political demands of African Americans.
6. Describe major developments in aviation, weaponry, communication, and medicine and the war’s impact on the location of American industry and use of resources.
7. Discuss the decision to drop atomic bombs and the consequences of the decision (Hiroshima and Nagasaki).
8. Analyze the effect of massive aid given to Western Europe under the Marshall Plan to rebuild itself after the war and the importance of a rebuilt Europe to the U.S. economy.

11.8 Students analyze the economic boom and social transformation of post World-War II America.

1. Trace the growth of service sector, white collar, and professional sector jobs in business and government.
2. Describe the significance of Mexican immigration and its relationship to the agricultural economy, especially in California.
3. Examine Truman’s labor policy and congressional reaction to it.
4. Analyze new federal government spending on defense, welfare, interest on the national debt, and federal and state spending on education, including the California Master Plan.
5. Describe the increased powers of the presidency in response to the Great Depression, World War II, and the Cold War.
6. Discuss the diverse environmental regions of North America, their relationship to local economies, and the origins and prospects of environmental problems in those regions.
7. Describe the effects on society and the economy of technological developments since 1945, including the computer revolution, changes in communication, advances in medicine, and improvements in agricultural technology.
8. Discuss forms of popular culture, with emphasis on their origins and geographic diffusion (e.g., jazz and other forms of popular music, professional sports, architectural and artistic styles).
11.9 Students analyze U.S. foreign policy since World War II.

1. Discuss the establishment of the United Nations and International Declaration of Human Rights, International Monetary Fund, World Bank, and General Agreement on Tariffs and Trade (GATT) and their importance in shaping modern Europe and maintaining peace and international order.
2. Understand the role of military alliances, including NATO and SEATO, in deterring communist aggression and maintaining security during the Cold War.
3. Trace the origins and geopolitical consequences (foreign and domestic) of the Cold War and containment policy, including the following:
   - The era of McCarthyism, instances of domestic Communism (e.g., Alger Hiss) and blacklisting
   - The Truman Doctrine
   - The Berlin Blockade
   - The Korean War
   - The Bay of Pigs invasion and the Cuban Missile Crisis
   - Atomic testing in the American West, the “mutual assured destruction” doctrine, and disarmament policies
   - The Vietnam War
   - Latin American policy
4. List the effects of foreign policy on domestic policies and vice versa (e.g., protests during the war in Vietnam, the “nuclear freeze” movement).
5. Analyze the role of the Reagan administration and other factors in the victory of the West in the Cold War.
6. Describe U.S. Middle East policy and its strategic, political, and economic interests, including those related to the Gulf War.
7. Examine relations between the United States and Mexico in the twentieth century, including key economic, political, immigration, and environmental issues.

11.10 Students analyze the development of federal civil rights and voting rights.

1. Explain how demands of African Americans helped produce a stimulus for civil rights, including President Roosevelt’s ban on racial discrimination in defense industries in 1941, and how African Americans’ service in World War II produced a stimulus for President Truman’s decision to end segregation in the armed forces in 1948.
3. Describe the collaboration on legal strategy between African American and white women into the labor force and the changing family structure.
4. Explain the constitutional crisis originating from the Watergate scandal.
5. Trace the impact of, need for, and controversies associated with environmental conservation, expansion of the national park system, and the development of environmental protection laws, with particular attention to the interaction between environmental protection advocates and property rights advocates.
6. Analyze the persistence of poverty and how different analyses of this issue influence welfare reform, health insurance reform, and other social policies.
7. Explain how the federal, state, and local governments have responded to demographic and social changes such as population shifts to the suburbs, racial concentrations in the cities, Frostbelt-to-Sunbelt migration, international migration, decline of family farms, increases in out-of-wedlock births, and drug abuse.

**American Government (12th Grade)**

Students in grade twelve pursue a deeper understanding of the institutions of American government. They will participate and learn through structured class simulations, college level class discussions, multimedia presentations (including the internet, documentary and feature films, broadcast news including television and radio, and a host of others), individual and group projects, formal research essays, and field trips to sites that reinforce or connect topics from class to the real world. They will begin the year reviewing the fundamental philosophies and origins of modern American political thought. They will study such great thinkers as Locke, Montesquieu, Machiavelli, and William Blackstone and their contributions to the developments of American government. Students will be able to explain how the US Constitution reflects a balance between protecting individual rights, separating powers in the governments, and granting citizens different ways to participate in political life.

Students will also analyze the roles, responsibilities, and leaders of the three branches of the federal, state, tribal, and local government, how leaders are selected and how they can be removed. Students will also spend time learning about and be able to summarize some landmark Supreme Court cases and how they affected individual rights in the U.S.

Throughout the year students will look at, read, and listen to a variety of media sources to understand the role and responsibility of a free press and their significance in elections, campaigns, and interest groups.

Finally, students will compare the U.S. system of government to different governmental bodies that exist in the world including communism, parliamentary democracy, dictatorships and the problems and successes associated with them.

**Economics (12th grade)**

In addition to studying government in grade twelve, students will also master fundamental economic concepts (supply and demand, incentives, etc.) and terms and understand the concept, benefits and drawbacks of a free market economy. Students will learn how to use the tools (graphs, statistics, equations) from other subject areas to understanding of operations and institutions of economic systems (including real and nominal data) and analyze different economic behaviors and how they interact with the economy.

Student will also study in a historic context are the basic economic principles of micro and macroeconomics, international economics, comparative economic systems, measurement, and methods. They will analyze the U.S. labor market noting the current economy and labor statistics, differences in pay among professions and how the U.S. interacts with economies around the world.

**CA State Standards**

12.1 Students explain the fundamental principles and moral values of American democracy as expressed in the U.S. Constitution and other essential documents of American democracy.
1. Analyze the influence of ancient Greek, Roman, English, and leading European political thinkers such as John Locke, Charles-Louis Montesquieu, Niccolò Machiavelli, and William Blackstone on the development of American government.

2. Discuss the character of American democracy and its promise and perils as articulated by Alexis de Tocqueville.

3. Explain how the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights; and discuss how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence as “self-evident truths.”

4. Explain how the Founding Fathers’ realistic view of human nature led directly to the establishment of a constitutional system that limited the power of the governors and the governed as articulated in the Federalist Papers.

5. Describe the systems of separated and shared powers, the role of organized interests (Federalist Paper Number 10), checks and balances (Federalist Paper Number 51), the importance of an independent judiciary (Federalist Paper Number 78), enumerated powers, rule of law, federalism, and civilian control of the military.

6. Understand that the Bill of Rights limits the powers of the federal government and state governments.

12.2 Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured.

1. Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., freedom of religion, speech, press, assembly, petition, privacy).

2. Explain how economic rights are secured and their importance to the individual and to society (e.g., the right to acquire, use, transfer, and dispose of property; right to choose one’s work; right to join or not join labor unions; copyright and patent).

3. Discuss the individual’s legal obligations to obey the law, serve as a juror, and pay taxes.

4. Understand the obligations of civic-mindedness, including voting, being informed on civic issues, volunteering and performing public service, and serving in the military or alternative service.

5. Describe the reciprocity between rights and obligations; that is, why enjoyment of one’s rights entails respect for the rights of others.

6. Explain how one becomes a citizen of the United States, including the process of naturalization (e.g., literacy, language, and other requirements).

12.3 Students evaluate and take and defend positions on what the fundamental values and principles of civil society are (i.e., the autonomous sphere of voluntary personal, social, and economic relations that are not part of government), their interdependence, and the meaning and importance of those values and principles for a free society.

1. Explain how civil society provides opportunities for individuals to associate for social, cultural, religious, economic, and political purposes.

2. Explain how civil society makes it possible for people, individually or in association with
others, to bring their influence to bear on government in ways other than voting and elections.

3. Discuss the historical role of religion and religious diversity.
4. Compare the relationship of government and civil society in constitutional democracies to the relationship of government and civil society in authoritarian and totalitarian regimes.

12.4 Students analyze the unique roles and responsibilities of the three branches of government as established by the U.S. Constitution.
1. Discuss Article I of the Constitution as it relates to the legislative branch, including eligibility for office and lengths of terms of representatives and senators; election to office; the roles of the House and Senate in impeachment proceedings; the role of the vice president; the enumerated legislative powers; and the process by which a bill becomes a law.
2. Explain the process through which the Constitution can be amended.
3. Identify their current representatives in the legislative branch of the national government.
4. Discuss Article II of the Constitution as it relates to the executive branch, including eligibility for office and length of term, election to and removal from office, the oath of office, and the enumerated executive powers.
5. Discuss Article III of the Constitution as it relates to judicial power, including the length of terms of judges and the jurisdiction of the Supreme Court.
6. Explain the processes of selection and confirmation of Supreme Court justices.

12.5 Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments.
1. Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment and the due process and equal-protection-of-the-law clauses of the Fourteenth Amendment.
2. Analyze judicial activism and judicial restraint and the effects of each policy over the decades (e.g., the Warren and Rehnquist courts).
3. Evaluate the effects of the Court’s interpretations of the Constitution in Marbury v. Madison, McCulloch v. Maryland, and United States v. Nixon, with emphasis on the arguments espoused by each side in these cases.

12.6 Students evaluate issues regarding campaigns for national, state, and local elective offices.
1. Analyze the origin, development, and role of political parties, noting those occasional periods in which there was only one major party or were more than two major parties.
2. Discuss the history of the nomination process for presidential candidates and the increasing importance of primaries in general elections.
3. Evaluate the roles of polls, campaign advertising, and the controversies over campaign funding.
4. Describe the means that citizens use to participate in the political process (e.g., voting, campaigning, lobbying, filing a legal challenge, demonstrating, petitioning, picketing, running for political office).

5. Discuss the features of direct democracy in numerous states (e.g., the process of referendums, recall elections).

6. Analyze trends in voter turnout; the causes and effects of reapportionment and redistricting, with special attention to spatial districting and the rights of minorities; and the function of the Electoral College.

12.7 Students analyze and compare the powers and procedures of the national, state, tribal, and local governments.

1. Explain how conflicts between levels of government and branches of government are resolved.
2. Identify the major responsibilities and sources of revenue for state and local governments.
3. Discuss reserved powers and concurrent powers of state governments.
4. Discuss the Ninth and Tenth Amendments and interpretations of the extent of the federal government’s power.
5. Explain how public policy is formed, including the setting of the public agenda and implementation of it through regulations and executive orders.
6. Compare the processes of lawmaking at each of the three levels of government, including the role of lobbying and the media.
7. Identify the organization and jurisdiction of federal, state, and local (e.g., California) courts and the interrelationships among them.
8. Understand the scope of presidential power and decision making through examination of case studies such as the Cuban Missile Crisis, passage of Great Society legislation, War Powers Act, Gulf War, and Bosnia.

12.8 Students evaluate and take and defend positions on the influence of the media on American political life.

1. Discuss the meaning and importance of a free and responsible press.
2. Describe the roles of broadcast, print, and electronic media, including the Internet, as means of communication in American politics.
3. Explain how public officials use the media to communicate with the citizenry and to shape public opinion.

12.9 Students analyze the origins, characteristics, and development of different political systems across time, with emphasis on the quest for political democracy, its advances, and its obstacles.

1. Explain how the different philosophies and structures of feudalism, mercantilism, socialism, fascism, communism, monarchies, parliamentary systems, and constitutional liberal democracies influence economic policies, social welfare policies, and human rights practices.
2. Compare the various ways in which power is distributed, shared, and limited in systems of shared powers and in parliamentary systems, including the influence and role of parliamentary leaders (e.g., William Gladstone, Margaret Thatcher).
3. Discuss the advantages and disadvantages of federal, confederal, and unitary systems of
4. Describe for at least two countries the consequences of conditions that gave rise to tyrannies during certain periods (e.g., Italy, Japan, Haiti, Nigeria, Cambodia).
5. Identify the forms of illegitimate power that twentieth-century African, Asian, and Latin American dictators used to gain and hold office and the conditions and interests that supported them.
6. Identify the ideologies, causes, stages, and outcomes of major Mexican, Central American, and South American revolutions in the nineteenth and twentieth centuries.
7. Describe the ideologies that give rise to Communism, methods of maintaining control, and the movements to overthrow such governments in Czechoslovakia, Hungary, and Poland, including the roles of individuals (e.g., Alexander Solzhenitsyn, Pope John Paul II, Lech Walesa, Vaclav Havel).
8. Identify the successes of relatively new democracies in Africa, Asia, and Latin America and the ideas, leaders, and general societal conditions that have launched and sustained, or failed to sustain, them.

12.10 Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights; liberty and equality; state and national authority in a federal system; civil disobedience and the rule of law; freedom of the press and the right to a fair trial; the relationship of religion and government.

Principles of Economics

12.1 Students understand common economic terms and concepts and economic reasoning.
1. Examine the causal relationship between scarcity and the need for choices.
2. Explain opportunity cost and marginal benefit and marginal cost.
3. Identify the difference between monetary and nonmonetary incentives and how changes in incentives cause changes in behavior.
4. Evaluate the role of private property as an incentive in conserving and improving scarce resources, including renewable and nonrenewable natural resources.
5. Analyze the role of a market economy in establishing and preserving political and personal liberty (e.g., through the works of Adam Smith).

12.2 Students analyze the elements of America’s market economy in a global setting.
1. Understand the relationship of the concept of incentives to the law of supply and the relationship of the concept of incentives and substitutes to the law of demand.
2. Discuss the effects of changes in supply and/or demand on the relative scarcity, price, and quantity of particular products.
3. Explain the roles of property rights, competition, and profit in a market economy.
4. Explain how prices reflect the relative scarcity of goods and services and perform the allocative function in a market economy.
5. Understand the process by which competition among buyers and sellers determines a market price.
6. Describe the effect of price controls on buyers and sellers.
7. Analyze how domestic and international competition in a market economy affects goods and
services produced and the quality, quantity, and price of those products.
8. Explain the role of profit as the incentive to entrepreneurs in a market economy.
9. Describe the functions of the financial markets.
10. Discuss the economic principles that guide the location of agricultural production and industry and the spatial distribution of transportation and retail facilities.

12.3 Students analyze the influence of the federal government on the American economy.
1. Understand how the role of government in a market economy often includes providing for national defense, addressing environmental concerns, defining and enforcing property rights, attempting to make markets more competitive, and protecting consumers’ rights.
2. Identify the factors that may cause the costs of government actions to outweigh the benefits.
3. Describe the aims of government fiscal policies (taxation, borrowing, spending) and their influence on production, employment, and price levels.
4. Understand the aims and tools of monetary policy and their influence on economic activity (e.g., the Federal Reserve).

12.4 Students analyze the elements of the U.S. labor market in a global setting.
1. Understand the operations of the labor market, including the circumstances surrounding the establishment of principal American labor unions, procedures that unions use to gain benefits for their members, the effects of unionization, the minimum wage, and unemployment insurance.
2. Describe the current economy and labor market, including the types of goods and services produced, the types of skills workers need, the effects of rapid technological change, and the impact of international competition.
3. Discuss wage differences among jobs and professions, using the laws of demand and supply and the concept of productivity.
4. Explain the effects of international mobility of capital and labor on the U.S. economy.

12.5 Students analyze the aggregate economic behavior of the U.S. economy.
1. Distinguish between nominal and real data.
2. Define, calculate, and explain the significance of an unemployment rate, the number of new jobs created monthly, an inflation or deflation rate, and a rate of economic growth.
3. Distinguish between short-term and long-term interest rates and explain their relative significance.

12.6 Students analyze issues of international trade and explain how the US economy affects and is affected by economic forces beyond the United States’s borders.
1. Identify the gains in consumption and production efficiency from trade, with emphasis on the main products and changing geographic patterns of twentieth-century trade among countries in the Western Hemisphere.
2. Compare the reasons for and the effects of trade restrictions during the Great Depression compared with present-day arguments among labor, business, and political leaders over the effects of free trade on the economic and social interests of various groups of Americans.
3. Understand the changing role of international political borders and territorial sovereignty in a global economy.
4. Explain foreign exchange, the manner in which exchange rates are determined, and the effects
of the dollar’s gaining (or losing) value relative to other currencies.

A taste of Elective courses at New West Charter High School

**Journalism**

Students will generate a monthly newsletter or newspaper available in print and/or online. Journalism students have a responsibility to the school community to act in an ethical manner; this involves following a code of conduct. Journalism students will seek truth and report it, act independently while working cooperatively, and be accountable. The following are the big ideas journalism students will focus on: integrity, ethics, responsibility, value systems, storytelling, and truth. Students will learn and carry out the idea that it is necessary for one to practice ethical behavior. Students will analyze and evaluate the essential features of journalistic writing in a variety of news sources for: brevity and clarity, content, topics or themes appropriate for the audience, credible and multiple information sources, effective use of language, rhetorical strategies (language that focuses a message, such as persuasive words, logical consistency, humor, satire, or other intent signals), and structural elements and organization. Students will discuss ideas for writing with others. They will write coherent and focused stories that demonstrate well-researched information, appropriate journalistic structure and style, and a tightly reasoned flow of ideas. Students will progress through stages of journalistic writing processes. Students will be responsible for writing news stories, feature stories and columns, in-depth issue features, reviews, editorials, or opinions and commentaries effectively and accurately in print and media. Students will demonstrate an understanding of the research, organizational, and drafting strategies in journalistic writing processes. Students’ writing will demonstrate a command of Standard English and the use of media formats that follow specific style guidelines for consistency.

**Psychology**

By the end of this class, students will have a solid foundation on the inner working of the human mind and the human experience. Students will begin to question why they are the way they are looking at specific brain and developmental functions. New West Charter Middle School will abide by and follow as closely as possible the American Psychological Associated National Standards for High Schools. Students will participate and learn through structured class simulations, college level class discussions, multimedia presentations (including the internet, documentary and feature films) professional and medical journals, individual and group projects, and conduct their own formal research and write reports.

Students will examine the Contemporary perspectives used by psychologists to understand behavior and mental processes. They will learn a variety of research strategies used by psychologists to explore behavior and mental processes and will propose their own research learning the purpose and basic concepts of statistics substantiate their claims.

Students will explore the capabilities of the brain focusing on the structure and function of the neuron and the organization and structure of the nervous system and endocrine system. They will analyze how heredity interacts with the environment to influence behavior and how psychological mechanisms are influenced by evolution. Students will begin to understand how they developed looking at different theories of development (nature/nurture, continuity, discontinuity, stability/instability, and critical periods in one’s life).

Students will examine a number of case studies on the nature and characteristics of learning and the different principles of conditioning (classical, operant) and components of cognitive learning (including the roles biology and culture play in determining the learning process). Students will
also spend time exploring characteristics and origins and categories of abnormal behavior and the methods used in exploring abnormal behavior and the impacts mental disorders has on the human and society.

World Religions
Students will participate and learn through structured class simulations, college level class discussions, multimedia presentations (including the internet, documentary and feature films, broadcast and radio news), and individual and group projects. In this class, students will build upon their different historical studies since middle school to study and examine in depth Hinduism, Judaism, Christianity, Islam, and Buddhism focusing on their beliefs, customs, practices, and settlements in the modern era.

Students will begin to explore many of the “hot spots” and problems associated with religion with a focus on the Middle East’s conflict between Arab Muslim and the western world (looking at the current wars and the recent uprising in Muslim countries. Students will also learn about the problems, past failures, and violence used to solve the Palestinian and Jewish state question, the rise of jihadist extremists in the modern world with a focus on modern terrorism in the name of religion and the problems found in different Hindu societies such as the status and treatment of women, child marriages and the dowry system, crushing poverty, and the practice polygamy in the modern world.

AVID (Advancement Via Individual Determination)
AVID is an academic elective class (grades 9-12) that is part of the regular school day. The AVID mission is to close the achievement gap by preparing all students for college readiness and success in a global society. All students are enrolled in rigorous college prep curriculum (A-G courses). A framework of support structures are in place that enables students to become competitive in the college application process. Students participate in classroom tutorials with AVID trained tutors. The AVID course curriculum is based on Writing, Inquiry, Collaboration and Reading (WICR). AVID student selection criteria includes one or more of the following: Students with GPA's between 2.0 and 3.5 the year before they are selected for an AVID program; Students who sustain scores average and above; Students who may be the first in their family to go to college; Students who qualify for free/reduced lunch; Students who are traditionally underserved in four-year colleges.

For one period a day, students learn organizational and study skills, work on critical thinking and asking probing questions, get academic help from peers and college tutors, and participate in enrichment and motivational activities that make college seem attainable. Students’ self-images improve, and they become academically successful leaders and role models for other students.

COURSE OBJECTIVE: The AVID program is aimed at directing students to a college-bound path. This will be done by holding tutorials (weekly tutoring), teaching organizational skills, and developing the learning process with critical thinking skills. Students will be visiting colleges, and doing community service and team building exercises to help students set future goals that they can achieve.

TUTORIALS: Once or twice a week the students will be expected to bring specific questions from their other classes and work together in groups to solve them. Ideally, there will also be two or three tutors in addition to the instructor to guide them through the process. Tutors will not be handing out answers, but helping the students find the answers themselves.
LEARNING LOGS: Weekly learning logs are used for students to write key information learned from each core class, in addition to any clarifying questions they may have.

ORGANIZATIONAL SKILLS: Student will be expected to keep a 3 three-ring binder with all the notes and materials from their other classes. They will be taught how to organize the binder and it will be checked periodically. Within the binder they will also be taking Cornell Style notes, which will organize their review material and their learning.

CRITICAL THINKING SKILLS: Regularly, students will be engaged in activities designed to develop the learning process. These activities include writing assignments, Socratic Seminars, group problem solving and in class projects. Students will also be doing goal setting and a plan of how to achieve their goals which will include preparing for ACT's and college scholarship applications.

SERVICE LEARNING: Each student will be required to complete five hours of community service per quarter. These hours will be logged and signed off by a parent or guardian.

STUDENT CONTRACT: Is it also required that each student and parent sign a contract committing to the AVID program. Students that do not maintain the terms of the contract will be placed on probation in the AVID program and parents will be contacted to schedule a conference.

AVID Performance Standards:
Based on the AVID Performance Standards students will 1) develop strategies to identify and fulfill personal and academic goals. 2) Students will develop strategies to ensure academic success in core studies required for entrance to four-year colleges and universities. 3) Students will develop proficiency in “Writing to Learn” across the curriculum. 4) Students will develop college awareness within a schoolwide college-going culture so they have the opportunity to be ready for the application process for a 4 year college or university. 5) Students will be proficient in using “The Writing Process” in core classes in order to write clear, coherent, and focused essays that exhibit awareness of audience and purpose and contain formal introductions, bodies of supporting evidence and conclusions. 6) Students will develop cross-curricular reading skills through using their knowledge of word origins and word relationships as well as historical and literary context clues to determine the meaning of specialized vocabulary. 7) Students are able to evaluate the content of oral communications and deliver focused, coherent presentations that convey a clear interpretation of ideas and unity in relation to purpose and audience. 8) Students become proficient in the mathematical skills and concepts that prepare them for the rigorous courses required for admission to four-year colleges and universities.

Environmental Science
Environmental Science integrates many fields of social and scientific study. Students will build on their understanding of chemistry, physics, biology, political science, geography, and earth science in order to examine the natural and human-made issues that face citizens of the world today and in the future. Students will learn about historical turning points in environmental policy, actions to be taken to reduce negative human impacts on the environment locally and globally, decisions that await developing nations, and traditional and renewable energy resources and consumption.

Students taking this course will perform a wide variety of field research, design and conduct laboratory experiments, complete individual and group research projects, discuss current, historical and future environmental issues, and communicate their opinions, research and data.
**Health**

It is essential that young people leave high school with a concrete understanding of the health-related choices that await them and the importance of establishing healthy habits early in their adult lives. Students taking this course will learn how to establish good diet and nutrition practices, including moderation, reading food labels, and understanding nutritional contents of various foods. They will examine the benefits to good nutritional practices and the possible consequences of poor eating habits. Students will learn about conception, stages of pregnancy, and responsibilities of raising children, as well as contraceptive methods and use in preventing pregnancy and reducing risks of certain sexually transmitted infections. They will learn about and discuss ways to lead a safe life during high school and minimize injury risk, including analyzing behaviors and influences that may increase risk of injury or illness. Students will understand the impacts, legal issues, and risks of drug and alcohol use and describe how to practice health-enhancing behaviors. Finally, by the end of this course, students will be able to demonstrate proper first aid and CPR procedures.

Throughout this course, factual information will be presented using a variety of methods including instructional videos, discussions, lecture, individual and group research, and possibly guest speakers. A special emphasis will be placed on discussing the positive consequences of healthier choices and the impact and prevalence of more risky behaviors.

**Engineering AB**

This elective course will introduce the engineering profession, professional concepts, ethics, and responsibility. Reviews hand calculators, number systems, and unit conversions. It will also introduce the personal computer and operating systems. Students will learn engineering problem-solving techniques using computer software and for those students who comprehend engineering at a higher level will have the opportunity to utilize computer programming and algorithms in a higher-level computer language.

**Photography AB**

Students will learn about technical skills for film photography, including refinement of exposure, development and printing of black-and-white images. Criteria for selection of appropriate equipment and materials are also covered. An exploration of the fundamental principles, techniques and application of camera-based image making will also be planned for the course as well as exploring the techniques and applications for developing and projection printing of film camera images in a chemical darkroom. The course may move into exploring the techniques and applications of acquiring, manipulating and outputting digitized photographic images utilizing Adobe Photoshop since society has moved into the digital world.

**Creative Writing**

This workshop is designed for those who write - whether it's poetry, fiction, creative non-fiction or memoir and would like a creative jolt - a burst of outside influence that will spark to life - or bring to the surface - what's been lying dormant inside. Using exercises to access participant's life experiences - will concentrate on such areas as point of view, character, tone and irony, strategies of plot and movement. Daily class discussions and in-class writing exercises will stimulate the imagination - helping the student hone and polish his/her descriptive and dialogue writing skills. The student will draw from the beautiful environment he/she is in - examining the cultural, social and gender differences - then compare what he/she sees with his/her own experiences. It is exactly this kind of observation that translates into good descriptions of place and character. The course will also demonstrate examples of techniques used effectively by successful writers, discuss what makes a good story, how to revise and what to do when you get stuck. The focus of
this workshop, however, will be on structure -- how to create a unity from the various elements of fiction and how to utilize effective storytelling techniques. Class time will be spent discussing participant's stories as well as a step by step approach to creating new work.
To:  Dr. Sharon Weir  
From: Marshall Mayotte, CPA  
Re: New West Expansion Financials  
Date: July 5, 2011

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<th>12-13 BUDGET</th>
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| **Total Enrollment** | 505 | 665 | 780 | 880 | 880 |
| **Total ADA** | 490 | 645 | 757 | 854 | 854 |

**INCOME**

8011-8015 · Principal Apportionments
- 8011 · Supplemental Hours  
  $1,798 | $1,816 | $1,834 | $1,853 | $1,871 |
- 8015 · Charter School General Purpose - State Aid  
  $1,994,557 | $2,710,644 | $3,268,431 | $3,834,823 | $3,950,979 |
- 8780 · In lieu of Property Taxes  
  663,517 | 873,740 | 1,024,837 | 1,160,231 | 1,156,233 |

Total 8011-8015 · Principal Apportionments  
2,659,871 | 3,590,200 | 4,295,102 | 4,992,902 | 5,109,077 |

8100-8290 · Other Federal Income
- 8291 · Title I, A, Basic Low Income  
  29,391 | 38,703 | 45,396 | 51,216 | 51,216 |
- 8292 · Title II, A Teacher Quality  
  2,342 | 3,084 | 3,617 | 4,081 | 4,081 |

Total 8100-8290 · Other Federal Income  
31,733 | 41,787 | 49,013 | 55,297 | 55,297 |

8300-8599 · Other State Income
- 8311 · Special Ed  
  177,221 | 206,501 | 227,546 | 245,486 | 245,486 |
- 8480 · Charter Sch Categorical Bk Gr  
  226,059 | 297,682 | 349,160 | 393,925 | 393,925 |
- 8560 · State Lottery Revenue  
  63,681 | 83,857 | 98,358 | 110,968 | 110,968 |
- 8591 · SB740  
  215,744 | 325,226 | 428,268 | 502,330 | 566,731 |

Total 8300-8599 · Other State Income  
682,705 | 913,266 | 1,103,333 | 1,253,068 | 1,317,470 |

8600-8780 · Other Income-Local
- 8634 · Food Service Sales  
  60,011 | 79,024 | 92,690 | 104,573 | 104,573 |
- 8660 · Interest Income  
  2,000 | 2,000 | 2,000 | 2,000 | 2,000 |
- 8690 · All Other Income  
  489,850 | 645,050 | 756,600 | 853,600 | 853,600 |
- 8698 · Grants  
  1,000,000 | 1,000,000 | 0 | 0 | 0 |
- 8699 · Fundraising  
  241,194 | 317,612 | 372,537 | 420,299 | 420,299 |

Total 8600-8780 · Other Income-Local  
1,793,055 | 2,043,686 | 1,223,827 | 1,380,471 | 1,380,471 |

**TOTAL INCOME**  
5,167,363 | 6,584,938 | 6,671,275 | 7,681,739 | 7,862,315 |

**EXPENSE**

1000 · Certificated Salaries
- 1110 · Teachers Salaries  
  1,124,760 | 1,451,311 | 1,746,178 | 2,005,657 | 2,065,826 |
- 1175 · Teachers - Extra Duty/Stipend  
  89,981 | 116,105 | 139,694 | 160,453 | 165,266 |
- 1200 · Certificated Pupil Support  
  0 | 80,000 | 82,400 | 84,872 | 87,418 |
- 1300 · Certificated School Administrators  
  215,521 | 221,986 | 228,646 | 235,905 | 242,571 |
- 1900 · Other Certificated  
  56,238 | 72,566 | 87,309 | 100,283 | 103,291 |

Total 1000 · Certificated Salaries  
1,486,500 | 1,941,968 | 2,284,227 | 2,586,769 | 2,664,373 |

2000 · Classified Salaries
- 2100 · Instructional Aides  
  214,406 | 282,337 | 331,162 | 373,619 | 373,619 |
- 2200 · Classified Support (maintenance, food)  
  70,000 | 72,100 | 74,263 | 76,491 | 78,766 |
- 2400 · Clerical/Technical/Office  
  138,385 | 185,874 | 191,451 | 197,194 | 203,110 |
- 2900 · Other Classified (noon and yard supervisors, etc)  
  53,164 | 63,472 | 67,324 | 70,791 | 70,791 |

Total 2000 · Classified Salaries  
455,956 | 583,983 | 648,100 | 705,095 | 713,306 |

3000 · Employee Benefits
- 3111 · STRS  
  122,636 | 160,212 | 188,449 | 213,408 | 219,811 |
- 3212 · PERS  
  48,819 | 62,527 | 69,392 | 75,495 | 76,374 |
- 3311 · Social Security (OASDI)  
  28,269 | 36,207 | 40,182 | 43,716 | 44,225 |
- 3331 · Medicare  
  28,166 | 36,626 | 42,519 | 47,732 | 48,976 |
- 3401 · H & W Payment (medical, dental, vision insurance)  
  183,870 | 236,405 | 260,183 | 315,206 | 315,206 |
- 3501 · SUI Payment Account  
  25,252 | 32,837 | 38,120 | 42,794 | 43,910 |
- 3601 · Wkr Comp Payment Account  
  30,999 | 39,856 | 47,237 | 53,141 | 53,141 |

Total 3000 · Employee Benefits  
468,012 | 604,671 | 706,082 | 791,493 | 801,643 |
## 12-13 Budget Estimate

### 13-14 Budget Estimate

### 14-15 Budget Estimate

### 15-16 Budget Estimate

### 16-17 Budget Estimate

### 4000 - Supplies

<table>
<thead>
<tr>
<th>Item Description</th>
<th>12-13</th>
<th>13-14</th>
<th>14-15</th>
<th>15-16</th>
<th>16-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Textbooks</td>
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<td>18,604</td>
<td>21,821</td>
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<td>7,131</td>
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<td>25,971</td>
<td>29,301</td>
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<td>33,162</td>
<td>38,897</td>
<td>43,884</td>
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<td>Custodial Supplies</td>
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<td>13,434</td>
<td>15,757</td>
<td>17,777</td>
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<td>Other Supplies</td>
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<td>116,938</td>
<td>137,160</td>
<td>154,745</td>
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<td>Noncapitalized Furniture/Equipment</td>
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<td>69,594</td>
<td>81,629</td>
<td>92,094</td>
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<td>Food Supplies</td>
<td>54,234</td>
<td>71,391</td>
<td>83,738</td>
<td>94,472</td>
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### Total 4000 - Supplies

| Amount                                                                 | 266,810| 351,344| 412,102| 464,936| 464,936|

### 5000 - Operating Services

<table>
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<tr>
<th>Item Description</th>
<th>12-13</th>
<th>13-14</th>
<th>14-15</th>
<th>15-16</th>
<th>16-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel and Conferences</td>
<td>27,642</td>
<td>36,400</td>
<td>42,695</td>
<td>48,189</td>
<td>48,189</td>
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<tr>
<td>Dues and Fees</td>
<td>14,456</td>
<td>19,035</td>
<td>22,327</td>
<td>25,189</td>
<td>25,189</td>
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<td>Insurance (property, student accident, board)</td>
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<td>89,466</td>
<td>122,938</td>
<td>156,699</td>
<td>174,699</td>
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<td>142,800</td>
<td>145,656</td>
<td>148,569</td>
<td>151,541</td>
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<td>910,252</td>
<td>937,560</td>
<td>965,687</td>
<td>994,657</td>
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<td>62,090</td>
<td>70,051</td>
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<td>40,800</td>
<td>41,616</td>
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<td>43,297</td>
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<td>397,015</td>
<td>465,672</td>
<td>525,373</td>
<td>525,373</td>
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<tr>
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<td>34,122</td>
<td>34,805</td>
<td>35,501</td>
<td>36,211</td>
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<td>Advertisement/Recruitment</td>
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<td>4,963</td>
<td>5,588</td>
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<td>Non-Instructional Consultants</td>
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<td>77,228</td>
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<td>87,129</td>
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<tr>
<td>Instructional Consultants</td>
<td>86,287</td>
<td>113,625</td>
<td>133,275</td>
<td>150,361</td>
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<tr>
<td>ExED</td>
<td>100,000</td>
<td>115,000</td>
<td>130,000</td>
<td>133,900</td>
<td>137,917</td>
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<tr>
<td>Other Services &amp; Operating Expe</td>
<td>16,063</td>
<td>21,152</td>
<td>24,809</td>
<td>27,990</td>
<td>27,990</td>
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<td>Fundraising Cost</td>
<td>63,817</td>
<td>84,037</td>
<td>98,570</td>
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<td>111,207</td>
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<tr>
<td>Communications (tele, internet, copy)</td>
<td>34,220</td>
<td>45,062</td>
<td>52,855</td>
<td>59,031</td>
<td>59,631</td>
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</table>

### Total 5000 - Operating Services

| Amount                                                                 | 1,888,848| 2,171,767| 2,397,047| 2,593,491| 2,649,009|

### 6000 - Depreciation

<table>
<thead>
<tr>
<th>Item Description</th>
<th>12-13</th>
<th>13-14</th>
<th>14-15</th>
<th>15-16</th>
<th>16-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building and Improvements</td>
<td>1,200,000</td>
<td>800,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Computer &amp; Other Equipment</td>
<td>50,000</td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Furniture</td>
<td>60,000</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Total 6000 - Capital Outlay

| Amount                                                                 | 1,310,000| 870,000| 0     | 0     | 0     |

### 7000 - Other Outgo

<table>
<thead>
<tr>
<th>Item Description</th>
<th>12-13</th>
<th>13-14</th>
<th>14-15</th>
<th>15-16</th>
<th>16-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Oversight Fee</td>
<td>24,616</td>
<td>33,259</td>
<td>39,901</td>
<td>46,490</td>
<td>47,652</td>
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</tbody>
</table>

### Total 7000 - Other Outgo

| Amount                                                                 | 24,616| 33,259| 39,901| 46,490| 47,652|

### TOTAL EXPENSES

| Amount                                                                 | 5,900,742| 6,556,992| 6,487,459| 7,188,275| 7,340,918|

### NET INCOME

| Amount                                                                 | (733,379) | 27,946 | 138,616 | 493,464 | 521,397 |

### Net Income w/o Depreciation

<table>
<thead>
<tr>
<th>Amount</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Financing Sources (Incur Debt)</td>
<td>-</td>
<td>250,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>All Other Financing Uses</td>
<td>7439</td>
<td></td>
<td>250,000</td>
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<td></td>
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</tbody>
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### CHANGE IN NET ASSETS

<p>| Amount                                                                 | (733,379) | 277,946| (66,184) | 493,464 | 521,397 |</p>
<table>
<thead>
<tr>
<th>INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>0211-0805 Principal Apportionments</td>
</tr>
<tr>
<td>8011 Supplemental Hours</td>
</tr>
<tr>
<td>8015 Charter School General Purpose - State Aid</td>
</tr>
<tr>
<td>8700 In lieu of Property Taxes</td>
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<tr>
<td>Total 0211-0805 Principal Apportionments</td>
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<tr>
<td>$100-8200 Other Federal Income</td>
</tr>
<tr>
<td>8291 Title I, A, Basic Low Income</td>
</tr>
<tr>
<td>8292 Title I A Teacher Quality</td>
</tr>
<tr>
<td>Total $100-8200 Other Federal Income</td>
</tr>
<tr>
<td>8300-8500 Other State Income</td>
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<tr>
<td>8311 Special Ed</td>
</tr>
<tr>
<td>8480 Charter Sch Categorical Blk Gr</td>
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<tr>
<td>Total 8300-8500 Other State Income</td>
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<tr>
<td>8600-7800 Other Income-Local</td>
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<tr>
<td>8624 Food Service Sales</td>
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<tr>
<td>8680 Interest Income</td>
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<tr>
<td>8890 All Other Income</td>
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<tr>
<td>Total 8600-7800 Other Income-Local</td>
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<tr>
<td>8899 Fundraising</td>
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<tr>
<td>Total 8899-8700 Other Income-Local</td>
</tr>
<tr>
<td>TOTAL INCOME</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 Certified Salaries</td>
</tr>
<tr>
<td>1110 Teachers Salaries</td>
</tr>
<tr>
<td>1175 Teachers - Extra Duty/Stipend</td>
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<tr>
<td>1200 Certified School Administrators</td>
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<tr>
<td>1900 Other Certified</td>
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<tr>
<td>Total 1000 Certified Salaries</td>
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<tr>
<td>2000 Classified Salaries</td>
</tr>
<tr>
<td>2100 Instructional Aids</td>
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<tr>
<td>2200 Classified Support (maintenance, food)</td>
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<tr>
<td>2400 Clerical/Technical/Office</td>
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<td>2500 Other Classified (clerical and yard supervisors, etc)</td>
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<tr>
<td>Total 2000 Classified Salaries</td>
</tr>
<tr>
<td>3000 Employee Benefits</td>
</tr>
<tr>
<td>3111 FICA</td>
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<tr>
<td>3212 PERA</td>
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<tr>
<td>3311 Social Security (OASI)</td>
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<tr>
<td>3351 Medicare</td>
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<tr>
<td>3401 I &amp; W Revenue Account</td>
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<tr>
<td>3501 SUI Payment Account</td>
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<td>3601 Wk Comp Payment Account</td>
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<tr>
<td>Total 3000 Employee Benefits</td>
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<tr>
<td>4000 Supplies</td>
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<td>4110 Textbooks</td>
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<td>4210 Other Books and Reference Materials</td>
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<td>4210 Instructional Materials</td>
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<td>4250 Office Supplies</td>
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<tr>
<td>4378 Custodial Supplies</td>
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<tr>
<td>4390 Other Supplies</td>
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<td>Total 4000 Supplies</td>
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<p>| Attachment 2 Page 3 of 12 |</p>
<table>
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<tr>
<th>Category</th>
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<th>Aug-12</th>
<th>Sep-12</th>
<th>Oct-12</th>
<th>Nov-12</th>
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<th>Mar-13</th>
<th>Apr-13</th>
<th>May-13</th>
<th>Jun-13</th>
<th>Annual</th>
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<tr>
<td>6400 - Computer &amp; Other Equipment</td>
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<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
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<tr>
<td>7000 - Other Outgo</td>
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<td>735,805</td>
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<tr>
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<tr>
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<td>634,848</td>
<td>5,900,742</td>
</tr>
<tr>
<td>NET INCOME</td>
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<td>294,245</td>
<td>(534,033)</td>
<td>26,956</td>
<td>(87,311)</td>
<td>(38,477)</td>
<td>(58,560)</td>
<td>(87,311)</td>
<td>(64,920)</td>
<td>(81,776)</td>
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<td>(64,920)</td>
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<td>895,628</td>
<td>867,151</td>
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<td>554,884</td>
<td>700,008</td>
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<td>414,848</td>
<td>399,925</td>
<td>369,597</td>
<td>359,597</td>
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<td><strong>Net cash flow from investing activities</strong></td>
<td>(599,346)</td>
<td>(427,205)</td>
<td>(407,533)</td>
<td>60,195</td>
<td>(54,071)</td>
<td>(38,560)</td>
<td>(38,560)</td>
<td>(87,311)</td>
<td>(84,620)</td>
<td>(81,776)</td>
<td>145,724</td>
<td>(64,920)</td>
<td>(87,311)</td>
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<td><strong>Net cash flow from operating activities</strong></td>
<td>(599,346)</td>
<td>(427,205)</td>
<td>(407,533)</td>
<td>60,195</td>
<td>(54,071)</td>
<td>(38,560)</td>
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<td>(87,311)</td>
<td>(84,620)</td>
<td>(81,776)</td>
<td>145,724</td>
<td>(64,920)</td>
<td>(87,311)</td>
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<tr>
<td><strong>Net cash flow from investing activities</strong></td>
<td>(599,346)</td>
<td>(427,205)</td>
<td>(407,533)</td>
<td>60,195</td>
<td>(54,071)</td>
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<td>(81,776)</td>
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<td>(64,920)</td>
<td>(87,311)</td>
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<td>628,677</td>
<td>574,808</td>
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<td>574,808</td>
<td>536,130</td>
<td>477,569</td>
<td>390,258</td>
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<td>243,862</td>
<td>389,586</td>
<td>324,667</td>
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<td><strong>Expenses</strong></td>
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<td>796,229</td>
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**Total Equity**

| 1,832,509 | 1,222,560 | 842,259 | 646,783 | 564,813 | 421,049 | 368,859 | 294,169 | 211,921 | 129,169 | 65,842 | 65,842 |

**Total Liabilities and Equity**

| 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 3,750 | 49,062 |

**Total 5000 - Operating Services**

| 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 105,081 | 1,115,020 |

**Balance Sheet**

| 277,946 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

**Net Income**

| 745,435 | 609,498 | 380,301 | 195,476 | 81,970 | 17,674 | 44,121 | 81,970 | 52,190 | 74,690 | 266,017 | 52,493 | 607,327 | 27,946 |

**Income Statement**

| 1,118,754 | 701,192 | 410,466 | 253,109 | 222,555 | 454,882 | 410,761 | 328,791 | 276,601 | 201,911 | 487,928 | 385,255 | 365,255 | 365,255 |

**Cash**

| 411,333 | 205,888 | 102,833 | 51,416 | - | - | - | - | - | - | - | - | - | - |

**Accounts Receivable**

| 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |

**Prepaid Expenses**

| 804,437 | 457,705 | 470,883 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 | 484,281 |

**Leasehold Improvements**

| 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 | 54,948 |

**Computers**

| 7,766 | 7,766 | 7,766 | 7,766 | 7,766 | 7,766 | 7,766 | 7,766 | 7,766 | 7,766 | 143,525 | 143,525 | 143,525 | 143,525 |

**Accumulated Depreciation**

| 250,000 | - | - | - | - | - | - | - | - | - | - | - | - | - |

**Other Assets**

| 1,917,689 | 1,307,740 | 927,439 | 731,963 | 649,993 | 882,320 | 838,189 | 796,229 | 704,039 | 619,859 | 512,190 | 512,190 | 457,327 | 1,523,545 |

**Total Assets**

| 1,118,754 | 701,192 | 410,466 | 253,109 | 222,555 | 454,882 | 410,761 | 328,791 | 276,601 | 201,911 | 487,928 | 385,255 | 365,255 | 365,255 |

**Accounts Payable**

| 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 |

**Other Current Liabilities**

| 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 | 85,180 |

**Restricted Balance**

| 1,917,689 | 1,307,740 | 927,439 | 731,963 | 649,993 | 882,320 | 838,189 | 796,229 | 704,039 | 619,859 | 512,190 | 512,190 | 457,327 | 1,523,545 |
### INCOME STATEMENT

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<td>897,946</td>
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<td>201,911</td>
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<td>201,911</td>
<td>467,928</td>
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### BALANCE SHEET

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<td>301,548</td>
<td>235,129</td>
<td>615,138</td>
<td>574,756</td>
<td>1,298,235</td>
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<td>Unrestricted Balance</td>
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<td>301,548</td>
<td>235,129</td>
<td>615,138</td>
<td>574,756</td>
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<td>Total Equity</td>
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<td>783,659</td>
<td>784,042</td>
<td>753,403</td>
<td>678,387</td>
<td>638,310</td>
<td>571,892</td>
<td>701,900</td>
<td>609,756</td>
<td>1,478,292</td>
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<td>Total Liabilities and Equity</td>
<td>1,195,602</td>
<td>836,531</td>
<td>750,541</td>
<td>858,675</td>
<td>783,659</td>
<td>784,042</td>
<td>753,403</td>
<td>678,387</td>
<td>638,310</td>
<td>571,892</td>
<td>701,900</td>
<td>609,756</td>
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### INCOME STATEMENT

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<td><strong>Other Federal Revenue</strong></td>
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<td>18,100</td>
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<td></td>
<td></td>
<td></td>
<td>1,447</td>
<td>1,447</td>
<td>1,447</td>
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<tr>
<td><strong>Other Local Revenue</strong></td>
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<td>6,367</td>
<td>95,169</td>
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<td>61,743</td>
<td>68,883</td>
<td>68,015</td>
<td>68,015</td>
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<td>167</td>
<td>167</td>
<td>167</td>
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<td>167</td>
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<td>167</td>
<td>167</td>
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<tr>
<td><strong>Total Operating Revenue</strong></td>
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<td>47,514</td>
<td>641,757</td>
<td>799,036</td>
<td>431,303</td>
<td>475,353</td>
<td>443,342</td>
<td>431,303</td>
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<td>439,985</td>
<td>499,327</td>
<td>855,356</td>
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<td><strong>Depreciation</strong></td>
<td>13,282</td>
<td>51,995</td>
<td>65,647</td>
<td>65,647</td>
<td>28,786</td>
<td>21,407</td>
<td>21,407</td>
<td>28,786</td>
<td>28,786</td>
<td>28,786</td>
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<td><strong>Supplies</strong></td>
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<td>-359,071</td>
<td>-359,071</td>
<td>108,134</td>
<td>-75,017</td>
<td>383</td>
<td>-30,638</td>
<td>-75,017</td>
<td>-40,076</td>
<td>-66,418</td>
<td>380,008</td>
<td>-40,382</td>
<td>724,080</td>
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### CASH FLOW STATEMENT

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Income</strong></td>
<td>(256,180)</td>
<td>(359,071)</td>
<td>(85,990)</td>
<td>108,134</td>
<td>(121,584)</td>
<td>(46,185)</td>
<td>(77,205)</td>
<td>(121,584)</td>
<td>(96,644)</td>
<td>(112,086)</td>
<td>(332,441)</td>
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<td><strong>Depreciation</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Adjustments to Income</strong></td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
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<td><strong>Decrease (Increase) to Current Assets</strong></td>
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<td>274,070</td>
<td>137,035</td>
<td>68,517</td>
<td>68,517</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Decrease (Increase) to Other Assets</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Increase (Decrease) to Current Liabilities</strong></td>
<td>(7,763)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(7,763)</td>
</tr>
<tr>
<td><strong>Net cash flow from operating activities</strong></td>
<td>145,230</td>
<td>(85,002)</td>
<td>51,045</td>
<td>176,652</td>
<td>(6,499)</td>
<td>383</td>
<td>(30,836)</td>
<td>(75,017)</td>
<td>(40,076)</td>
<td>(68,418)</td>
<td>380,008</td>
<td>(40,382)</td>
<td>724,080</td>
</tr>
<tr>
<td><strong>Restricted Balance</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Capital Expenditures</strong></td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net cash flow from investing activities</strong></td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>(13,278)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Auditor Adjustment</strong></td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net cash flow from financing activities</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(250,000)</td>
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<td><strong>Net increase (decrease) in cash and cash equivalents</strong></td>
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<td>(98,280)</td>
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<td>163,374</td>
<td>(6,499)</td>
<td>383</td>
<td>(30,836)</td>
<td>(75,017)</td>
<td>(40,076)</td>
<td>(68,418)</td>
<td>380,008</td>
<td>(92,145)</td>
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<tr>
<td><strong>Ending Cash Balance</strong></td>
<td>256,239</td>
<td>108,468</td>
<td>146,235</td>
<td>309,608</td>
<td>303,109</td>
<td>303,492</td>
<td>272,853</td>
<td>197,837</td>
<td>157,760</td>
<td>91,342</td>
<td>221,350</td>
<td>129,208</td>
<td>-</td>
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</table>
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM 9
CALIFORNIA STATE BOARD OF EDUCATION
SEPTEMBER 2011 AGENDA

SUBJECT


RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) approve the funding rates for nonclassroom-based instruction in charter schools as listed in Attachment 2.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Senate Bill 740 (Chapter 892, Statutes of 2001), enacted provisions of law (California Education Code (EC) Section 47612.5) that established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statute specifies that a charter school may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to EC Section 47634.2 by the SBE. The law provides the SBE with the authority to adjust the apportionment of charter schools that offer nonclassroom-based instruction. The law also states that a funding determination by the SBE for nonclassroom-based instruction shall not be more than 70 percent of the unadjusted amount to which a charter would otherwise be entitled, unless the SBE determines that a greater or lesser amount is appropriate based on specified criteria. The statute also specifies that nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study and distance and computer-based education.

Senate Bill 740 also established the ACCS to develop criteria for the SBE to use in making funding determinations for nonclassroom-based programs on the basis of average daily attendance (ADA). Pursuant to EC Section 47634.2, these regulations would:
SUMMARY OF PREVIOUS...(Cont.)

- Ensure instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function, and would consider:
  - The amount of the charter school’s total budget expended on certificated employee salaries and benefits, and on school sites
  - The pupil-teacher ratio in the school

Subsequently, regulations were adopted in the *California Code of Regulations*, Title 5 (5 CCR) sections 11963.4 and 11963.6. These regulations specify funding levels for a nonclassroom-based charter school.

Pursuant to 5 CCR Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school’s public revenues must be spent on employee salaries and benefits for instructional services or support
- At least 80 percent of all revenues must be spent on instruction and related services
- The ratio of ADA for independent study pupils to full-time certificated employees does not exceed 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 in the county or counties in which the charter school operates

SUMMARY OF KEY ISSUES

5 CCR Section 11963.4 specifies the criteria that a nonclassroom-based charter school must meet. The schools listed in Attachment 2 meet the criteria and existing charter schools have submitted the required audit reports that verify their reported expenditures. Additionally, 5 CCR Section 11963.6(c) specifies that a SBE approved funding determination period shall be in increments of a minimum of two years and a maximum of five years. EC 47612.5 requires a five-year determination for a charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the past two fiscal years. For new charter schools in their first year of operation, 5 CCR 11963.6 specifies that they shall receive a funding determination for only two fiscal years.

Table 1 provides three years of Academic Performance Index (API) and Adequate Yearly Progress (AYP) results as background information for those charter schools where such data are available.
FISCAL ANALYSIS (AS APPROPRIATE)

If approved, no additional fiscal impact has been identified because each school is an existing charter school that is already receiving state apportionment funding. If this request is denied there could be savings in state apportionment funding.

ATTACHMENT(S)

Attachment 1: Background Information (1 Page)
Attachment 2: Funding Recommendations (1 Page)
Attachment 3: Excerpts from the California *Education Code* and Implementing Regulations with Regard to SB 740 Funding Determinations (4 Pages)
### Background Information

#### Table 1: Academic Performance Data for Charter Schools For Consideration of Funding Determination Requests

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Carter G. Woodson Charter</td>
<td>2000</td>
<td>527 (46)</td>
<td>ASAM**</td>
<td>No (8/9)</td>
<td>482 (-54)</td>
<td>ASAM**</td>
<td>No (2/6)</td>
<td>537 (79)</td>
<td>No (4/6)</td>
</tr>
<tr>
<td>Gold Rush Charter</td>
<td>2006</td>
<td>700 (28)</td>
<td>3/2</td>
<td>No (8/10)</td>
<td>672 (-5)</td>
<td>4/*</td>
<td>No (7/8)</td>
<td>678 (6)</td>
<td>No (7/8)</td>
</tr>
<tr>
<td>Julian Charter</td>
<td>1999</td>
<td>791 (21)</td>
<td>4/8</td>
<td>No (11/16)</td>
<td>770 (7)</td>
<td>8/10</td>
<td>No (14/20)</td>
<td>764 (35)</td>
<td>No (17/20)</td>
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<tr>
<td>Mojave River Academy</td>
<td>2006</td>
<td>534 (14)</td>
<td>ASAM**</td>
<td>No (2/16)</td>
<td>520 (32)</td>
<td>1/1</td>
<td>No (9/14)</td>
<td>491 (-22)</td>
<td>No (3/12)</td>
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<tr>
<td>W.E.B. DuBois Charter</td>
<td>2000</td>
<td>561 (44)</td>
<td>ASAM**</td>
<td>No (9/17)</td>
<td>518 (22)</td>
<td>ASAM**</td>
<td>No (10/18)</td>
<td>493 (104)</td>
<td>No (9/16)</td>
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</tbody>
</table>

*—Indicates no reported data are available. **—Alternative Schools Accountability Model (ASAM) schools do not have reported data for API ranks or targets.
## Funding Recommendations

### 100% Recommendation Four Years–Continuing Schools

**Fiscal Year 2012–13 through 2015–16**

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>CDE Recommendation</th>
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<td>0378</td>
<td>Fresno</td>
<td>Carter G. Woodson Charter</td>
<td>2000</td>
<td>100% 4 Years</td>
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<td>0807</td>
<td>Tuolumne</td>
<td>Gold Rush Charter</td>
<td>2006</td>
<td>100% 4 Years</td>
</tr>
<tr>
<td>0267</td>
<td>San Diego</td>
<td>Julian Charter</td>
<td>1999</td>
<td>100% 4 Years</td>
</tr>
<tr>
<td>0762</td>
<td>San Bernardino</td>
<td>Mojave River Academy</td>
<td>2006</td>
<td>100% 4 Years</td>
</tr>
<tr>
<td>0270</td>
<td>Fresno</td>
<td>W.E.B. DuBois Charter</td>
<td>2000</td>
<td>100% 4 Years</td>
</tr>
</tbody>
</table>
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 11963.4**  
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
Section 11963.6(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school’s actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.

Section 11963.6(c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.
ITEM 10
SUBJECT

Consideration of Requests From Nonclassroom-based Charter Schools for “Reasonable Basis”/Mitigating Circumstances Changes in Funding Determinations Based on the California Code of Regulations, Title 5, Section 11963.4(e) for California Virtual Academy San Diego, Crossroads Trade Tech Charter, Northwest Prep Piner Olivet, Options for Youth Hermosa Beach, Options for Youth San Bernardino, Options for Youth Victorville, Opportunities for Learning Baldwin Park, Opportunities for Learning Baldwin Park II, Opportunities for Learning Hermosa Beach and Opportunities for Learning Santa Clarita.

RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) approve the requests to allow the inclusion of mitigating circumstances in the determination of funding rates required by California Education Code (EC) Sections 47612.5 and 47634.2 and implemented through California Code of Regulations, Title 5 (5 CCR) Section 11963.4(e) for California Virtual Academy San Diego, Crossroads Trade Tech Charter and Northwest Prep Piner Olivet. The CDE and the ACCS also recommend that the SBE approve the determination rates contained in Attachment 1 for Options for Youth San Bernardino, Opportunities for Learning Baldwin Park and Opportunities for Learning Baldwin Park II. Additionally, the CDE recommends that the SBE approve the CDE recommendation for determination rates contained in Attachment 1 for Options for Youth Hermosa Beach, Options for Youth Victorville, Opportunities for Learning Hermosa Beach and Opportunities for Learning Santa Clarita.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Senate Bill 740 (Chapter 892, Statutes of 2001), enacted provisions of law (California Education Code (EC) Section 47612.5) that established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statute specifies that a charter school may receive funding for nonclassroom-based
SUMMARY OF PREVIOUS... (Cont.)

instruction only if a determination for funding is made pursuant to EC Section 47634.2 by the SBE. The law provides the SBE with the authority to adjust the apportionment of instruction only if a determination for funding is made pursuant to EC Section 47634.2 by the SBE. The law provides the SBE with the authority to adjust the apportionment of charter schools that offer nonclassroom-based instruction. The law also states that a funding determination by the SBE for nonclassroom-based instruction shall not be more than 70 percent of the unadjusted amount to which a charter would otherwise be entitled, unless the SBE determines that a greater or lesser amount is appropriate based on specified criteria. The statute also specifies that nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study and distance and computer-based education.

Senate Bill 740 also established the ACCS to develop criteria for the SBE to use in making funding determinations for nonclassroom-based programs on the basis of average daily attendance (ADA). Pursuant to EC Section 47634.2, these regulations would:

- Ensure instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function, and would consider:
  - The amount of the charter school’s total budget expended on certificated employee salaries and benefits, and on school sites
  - The pupil-teacher ratio in the school

Subsequently, regulations were adopted in the California Code of Regulations, Title 5 (5 CCR) sections 11963.4 and 11963.6. These regulations specify funding levels for a nonclassroom-based charter school.

Pursuant to 5 CCR Section 11963.4(a), a nonclassroom-based charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

- At least 40 percent of the school’s public revenues must be spent on employee salaries and benefits for instructional services or support
- At least 80 percent of all revenues must be spent on instruction and related services
- The ratio of ADA for independent study pupils to full-time certificated employees does not exceed 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 in the county or counties in which the charter school operates
SUMMARY OF PREVIOUS… (Cont.)

However, 5 CCR Section 11963.4(e) states that the ACCS may find a “reasonable basis” (also referred to as a mitigating circumstance) by which to make a recommendation other than one that results from the criteria specified in the regulations.

SUMMARY OF KEY ISSUES

Due to funding reductions and cuts in the state’s annual budget and the apportionment deferrals in the current and future years, the charter schools included herein are facing unprecedented financial hardships as a result of the state budget crisis. The schools’ apportionments are being deferred for months in the current fiscal year and even into the next fiscal year. The schools have responded by taking steps to insure their fiscal stability. However, these actions have also prevented the schools from spending for their instructional programs at the levels required to achieve the regulatory requirements of a 100 percent funding rate.

5 CCR Section 11963.4(e) provides specific examples of the types of mitigating circumstances for the ACCS to consider well documented “one-time or unique or exceptional circumstances.” Mitigating circumstances described by a charter school in the funding determination process clarify and provide guidance as to whether or not a specific charter school meets the percentage requirements for a funding determination as expressed in 5 CCR Section 11963.4(a).

Pursuant to 5 CCR Section 11963.4(e):

A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding.

Pursuant to 5 CCR Section 11963.4(e), the California Virtual Academy San Diego, Crossroads Trade Tech Charter, Northwest Prep Piner Olivet, Options for Youth Hermosa Beach, Options for Youth San Bernardino, Options for Youth Victorville,
SUMMARY OF KEY ISSUES ...(Cont.)

Opportunities for Learning Baldwin Park, Opportunities for Learning Baldwin Park II, Opportunities for Learning Hermosa Beach and Opportunities for Learning Santa Clarita are requesting consideration under 5 CCR Section 11963.4(e) from the regulatory requirements for a funding determination rate.

The basis of the California Virtual Academy San Diego’s (CAVA–SD’s) request includes:

- Deferred payments of state apportionment funds
- Non-instructional and fixed administrative operating costs that are excluded from the calculations required under SB 740 regulatory guidelines.

Included in the CAVA–SD’s mitigating circumstances request is a request for the following:

- Allocate 35 percent of its expenditures to certificated staffing costs
- Exclusion of one-time funding sources
- Record the receipt of deferred state funds on an accrual basis

CAVA–SD is requesting a 100 percent determination rate and relief from the current 5 CCR regulatory requirements. Although CAVA–SD’s expenditures of 85.35 percent on instruction and related services costs exceed the 80 percent regulatory requirement, the charter school’s expenditures of 35.03 percent on certificated staff costs do not meet the 40 percent regulatory requirement and make the charter school ineligible for a 100 percent determination rate. Based on CAVA–SD’s documentation, the charter school would qualify for a 70 percent determination rate. Instead the charter school is requesting a 100 percent determination rate with the consideration of its mitigating circumstances.

The basis of the Crossroads Trade Tech Charter’s (CTTC’s) request includes:

- Prior year second period average daily attendance of less than 100 units

The CTTC is requesting a 100 percent determination rate and relief from the 5 CCR regulatory requirements. Although CTTC’s expenditures of 54.08 percent on certificated staff costs exceed the 40 percent regulatory requirement, the charter school’s expenditures of 73.91 percent on instruction and related services costs do not meet the 80 percent regulatory requirement and make the charter school ineligible for a 100 percent determination rate. Based on CTTC’s documentation, the charter school would qualify for a 85 percent determination rate. However, based on the charter school’s prior year second period average daily attendance of less than 100 units (53), the charter school is requesting serious consideration for a 100 percent determination rate pursuant to 5 CCR 11963.4(e).
The basis of the Northwest Prep Piner Olivet’s (NPPO’s) request includes:

- Deferred payments of state apportionment funds
- Non-instructional and fixed administrative operating costs that are excluded from the calculations required under SB 740 regulatory guidelines

The NPPO is requesting a 100 percent determination rate and relief from the 5 CCR regulatory requirements. Although NPPO’s expenditures of 52.13 percent on certificated staff costs exceed the 40 percent regulatory requirement, the charter school’s expenditures of 77.18 percent on instruction and related services costs do not meet the 80 percent regulatory requirement and make the charter school ineligible for a 100 percent determination rate. Based on NPPO’s documentation, the charter school would qualify for an 85 percent determination rate, but it is instead requesting a 100 percent determination rate with the consideration of its mitigating circumstances.

Options for Youth’s (OFY’s) three charter schools (Hermosa Beach, San Bernardino, and Victorville) and the Opportunities for Learning’s (OFL’s) four charter schools (Baldwin Park, Baldwin Park II, Hermosa Beach, and Santa Clarita) cite the following as reasonable bases for mitigation:

- The schools have experienced state funding cuts of approximately 14 percent since the 2008–09 fiscal year. In addition, the schools face the uncertainty of further state funding cuts in the 2011–12 fiscal year and deferred payment of state apportionment funds.

- The schools have experienced an increased number of students looking for alternative schooling options, including students working full time to support their families. To accommodate the increasing demand, the schools have expanded their programs, added additional services, increased their hours of operations and acquired new facilities.

- The schools require fiscal stability and the ability to create reserves that allow for continued expansion of learning resource centers to provide instruction to the schools’ at-risk student population.

The OFY and OFL charter schools are requesting approval for an 85 percent determination rate and relief from the current 5 CCR regulatory requirements of expenditures of at least 70 percent but less than 80 percent on instruction and related services costs and expenditures of 40 percent or greater on certificated staff costs. The OFY and OFL charter schools are requesting specific relief from the regulatory requirements of the 85 percent determination rate to include the following mitigation:

- At least 61.25 percent of the schools’ expenditures will be allocated for “instruction and related services costs” rather than the current regulatory
SUMMARY OF KEY ISSUES ... (Cont.)

requirement of 70 percent and an option to average those expenditures over any two consecutive fiscal years.

- At least 35 percent of the schools’ expenditures will be allocated for eligible certificated staff costs rather than the current regulatory requirement of 40 percent and an option to average certificated expenditures over any two consecutive fiscal years.

- Ability to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of the schools’ budgeted expenditures rather than at a 5 percent reserve threshold.

- Ability to book the receipt of deferred state funding on either an accrual or cash basis to allow flexibility to book expenditures related to deferred revenues in the same year the related revenues are booked.

- Option to count up to 60 percent of the schools’ facilities costs as “instruction and related services” costs.

The CDE evaluated the OFY and OFL charter schools’ rationale for preparing their funding determination requests. Of the seven OFY and OFL charter schools, three schools submitted funding determination requests containing prior year actual financial data and four schools’ requests contained financial data based on a two-year averaging method.

These four OFY (Victorville) and OFL (Baldwin Park, Baldwin Park II and Santa Clarita) charter schools used a methodology that included the averaging of revenues and expenditures for two prior fiscal years, 2008–09 and 2009–10. The OFY and OFL charter schools indicated their approach was allowable under their current SBE-approved funding determinations that expired on June 30, 2011, and included mitigating circumstances. The OFY and OFL charter schools requested an 85 percent two-year funding determination for each of the seven charter schools included in this request.

The CDE reviewed the OFY and OFL schools’ submissions including those that averaged two fiscal years of financial data. The CDE determined that the submissions do not conform to the regulatory requirements contained in 5 CCR 11963.3(a)(5). This section requires a charter school that operated in the prior fiscal year to use prior fiscal year financial data to complete a funding determination request. Additionally, since these are prospective requests, effective for the 2011–12 fiscal year, the CDE notes that there is no regulatory authority for the use of previously approved mitigating circumstances to form the basis for a prospective funding determination request. Furthermore, the OFY and OFL charter schools’ approach does not fully consider the individual circumstances of each of the seven charter schools included in this request. Instead, the CDE must consider these funding determination requests in accordance with the current regulatory requirements for reviewing the documented data regarding the individual circumstances of a charter school.
SUMMARY OF KEY ISSUES …(Cont.)

The CDE formed a recommendation for each of the OFY and OFL charter schools. Specifically, the CDE recommendations are:

- **Options for Youth Hermosa Beach (#1131).** The CDE recommends that the SBE approve a 70 percent two-year funding determination for Options for Youth Hermosa Beach. Specifically, this charter school’s total expenditures for instructional costs (60.45%) and certificated staff (38.62%) meet the regulatory requirements (5 CCR 11963.4) for a 70 percent funding determination.

- **Options for Youth San Bernardino (#1132).** The CDE recommends that the SBE approve a 100 percent two-year funding determination for Options for Youth San Bernardino. Specifically, this charter school’s total expenditures for instructional costs (103.31%) and certificated staff (44.84%) meet the regulatory requirements (5 CCR 11963.4) for a 100 percent funding determination.

- **Options for Youth Victorville (#0013).** The CDE recommends that the SBE approve a 70 percent two-year funding determination for Options for Youth Victorville. Specifically, this charter school’s total expenditures for instructional costs (63.03%) and certificated staff (36.67%) meet the regulatory requirements (5 CCR 11963.4) for a 70 percent funding determination.

- **Opportunities for Learning Baldwin Park (#0402).** The CDE recommends that the SBE approve an 85 percent two-year funding determination for Opportunities for Learning Baldwin Park. Specifically, this charter school’s total expenditures for instructional costs (75.54%) and certificated staff (43.60%) meet the regulatory requirements (5 CCR 11963.4) for an 85 percent funding determination.

- **Opportunities for Learning Baldwin Park II (#0874).** The CDE recommends that the SBE approve an 85 percent two-year funding determination for Opportunities for Learning Baldwin Park II. Specifically, this charter school’s total expenditures for instructional costs (71.37%) and certificated staff (41.05%) meet the regulatory requirements (5 CCR 11963.4) for an 85 percent funding determination.

- **Opportunities for Learning Hermosa Beach (#1130).** The CDE recommends that the SBE approve a 70 percent two-year funding determination for Opportunities for Learning Hermosa Beach. Specifically, this charter school’s total expenditures for instructional costs (70.93%) and certificated staff (39.04%) meet the regulatory requirements (5 CCR 11963.4) for a 70 percent funding determination.

- **Opportunities for Learning Santa Clarita (#0214).** The CDE recommends that the SBE approve a 70 percent two-year funding determination for Opportunities for Learning Santa Clarita. Specifically, this charter school’s total expenditures for instructional costs (67.39%) and certificated staff (39.59%) meet the regulatory requirements (5 CCR 11963.4) for a 70 percent funding determination.
SUMMARY OF KEY ISSUES ...(Cont.)

At the July 28, 2011, ACCS meeting, the Commission voted to recommend approval of an 85 percent two-year funding determination for:

- Opportunities for Learning Santa Clarita (#0214)
- Opportunities for Learning Hermosa Beach (#1130)
- Options for Youth Hermosa Beach (#1131)
- Options for Youth Victorville (#0013)

The Commission’s action which included mitigating circumstances, differed from the CDE recommendation of a 70 percent two-year funding determination for the four charter schools. The ACCS’s recommendation included the consideration of mitigating circumstances specifically for increased reserves and expenditure levels for instruction and related services and certificated staff costs. It should be noted that the CDE recommendation did not consider mitigating circumstances for the four charter schools.

Table 1 provides SBE-approved current funding rates for California Virtual Academy San Diego, Crossroads Trade Tech Charter, Northwest Prep Piner Olivet, and the OFY and OFL charter schools.

Table 2 provides API and AYP results for California Virtual Academy San Diego, Crossroads Trade Tech Charter, Northwest Prep Piner Olivet, and the OFY and OFL charter schools as background information.

Table 3 provides information on the charter schools’ mitigating circumstances requests.
### Table 1: SBE Approved Current Funding Rate

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<th>Charter #</th>
<th>Charter School’s Name</th>
<th>Current Funding Rate</th>
<th>Expiration of Current Funding Rate</th>
<th>Years</th>
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<tr>
<td>0493</td>
<td>California Virtual Academy San Diego</td>
<td>100%</td>
<td>2010–11</td>
<td>2</td>
</tr>
<tr>
<td>0992</td>
<td>Crossroads Trade Tech Charter</td>
<td>^</td>
<td>^</td>
<td>^</td>
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<tr>
<td>0526</td>
<td>Northwest Prep Piner Olivet</td>
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<td>^</td>
</tr>
<tr>
<td>1131</td>
<td>Options For Youth (OFY)-Hermosa Beach</td>
<td>85%</td>
<td>2010–11</td>
<td>2</td>
</tr>
<tr>
<td>1132</td>
<td>OFY-San Bernardino</td>
<td>85%</td>
<td>2010–11</td>
<td>2</td>
</tr>
<tr>
<td>0013</td>
<td>OFY-Victorville</td>
<td>85%</td>
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<td>0402</td>
<td>Opportunities for Learning (OFL)-Baldwin Park</td>
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<tr>
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<td>1130</td>
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</tr>
<tr>
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<td>OFL-Santa Clarita</td>
<td>85%</td>
<td>2010–11</td>
<td>2</td>
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^—Does not have an SBE-approved funding determination.
Table 2: Background Information: Academic Performance Data for Charter Schools For Consideration of Mitigating Circumstances Requests

<table>
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<td>California Virtual Academy San Diego</td>
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<td>4/7</td>
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<td>761 (1)</td>
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<td>1/*</td>
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<td>632 (*)</td>
<td>*</td>
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<td>697 (33)</td>
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<td>647 (57)</td>
<td>ASAM**</td>
<td>No (15/16)</td>
<td>590 (57)</td>
<td>ASAM**</td>
<td>No (10/13)</td>
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<td>533 (*)</td>
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<td>OFL-Hermosa Beach</td>
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<td>*</td>
<td>Yes (4/4)</td>
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<td>3/10</td>
<td>No (11/18)</td>
<td>682 (39)</td>
<td>2/9</td>
<td>No (17/19)</td>
<td>N/A</td>
<td>643 (*)</td>
<td>*</td>
<td>No (15/19)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*–Indicates no reported data are available. **–Alternative Schools Accountability Model (ASAM) schools do not have reported data for API ranks or targets.

N/A–Note the first year of operation.
**SUMMARY OF KEY ISSUES ...(Cont.)**

Table 3: Mitigating Circumstances Request by Charter School

<table>
<thead>
<tr>
<th>Charter #</th>
<th>Charter School’s Name</th>
<th>Spending on instructional costs</th>
<th>Spending on certificated staff compensation</th>
<th>One-time funding sources excluded</th>
<th>Coping with cash flow deferrals</th>
<th>Allowable facilities cost</th>
<th>Reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>0493</td>
<td>California Virtual Academy San Diego</td>
<td>85.35%</td>
<td>35.03%</td>
<td>Yes</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>0992</td>
<td>Crossroads Trade Tech Charter</td>
<td>73.91%</td>
<td>54.08%</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>0526</td>
<td>Northwest Prep Piner Olivet</td>
<td>77.18%</td>
<td>52.13%</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>1131</td>
<td>Options for Youth (OFY) Hermosa Beach</td>
<td>58.52%</td>
<td>38.62%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>1132</td>
<td>OFY-San Bernardino</td>
<td>80.64%</td>
<td>44.84%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>0013</td>
<td>OFY-Victorville</td>
<td>68.18%</td>
<td>38.58%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>0402</td>
<td>Opportunities for Learning (OFL) Baldwin Park</td>
<td>68.78%</td>
<td>37.93%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>0874</td>
<td>OFL-Baldwin Park II</td>
<td>79.41%</td>
<td>41.46%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>1130</td>
<td>OFL-Hermosa Beach</td>
<td>87.11%</td>
<td>39.04%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>0214</td>
<td>OFL-Santa Clarita</td>
<td>64.88%</td>
<td>36.71%</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
FISCAL ANALYSIS (AS APPROPRIATE)

If the charter schools’ requests for mitigating circumstances are approved, the CDE has determined that there would be an addition fiscal impact to the state because some charter schools will continue to get funded at an 85 percent determination rate while other charter schools would be funded at either a 100 or 70 percent determination rate.

If the requests for mitigating circumstances are denied for the charter schools and the schools do not meet the regulatory requirements for a funding determination rate, the apportionment claims to the state would be reduced to a lower determination rate or denied, resulting in savings of state funds.

ATTACHMENT(S)

Attachment 1: Funding Recommendations (2 pages)
Attachment 2: Excerpts from the California Education Code and Implementing Regulations with Regard to SB 740 Funding Determinations (4 pages)
Attachment 3: Mitigating Circumstances Request for California Virtual Academy San Diego (3 Pages)
Attachment 4: Mitigating Circumstances Request Crossroads Trade Tech Charter (1 Page)
Attachment 5: Mitigating Circumstances Request for Northwest Prep Piner Olivet (1 Page)
Attachment 6: Mitigating Circumstances Request for Options for Youth-Hermosa Beach (4 Pages)
Attachment 7: Mitigating Circumstances Request for Options for Youth-San Bernardino (4 Pages)
Attachment 8: Mitigating Circumstances Request for Options for Youth-Victorville (4 Pages)
Attachment 9: Mitigating Circumstances Request for Opportunities for Learning-Baldwin Park (4 Pages)
Attachment 10: Mitigating Circumstances Request for Opportunities for Learning-Baldwin Park II (4 Pages)
Attachment 11: Mitigating Circumstances Request for Opportunities for Learning-Hermosa Beach (4 Pages)
Attachment 12: Mitigating Circumstances Request for Opportunities for Learning-Santa Clarita (4 Pages)
# Funding Recommendations

**100% Recommendation for Two Years–Continuing Schools**  
**Fiscal Year 2010–11 through 2011–12**

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0992</td>
<td>Kings</td>
<td>Crossroads Trade Tech Charter</td>
<td>2009</td>
<td>100% 2 Years</td>
</tr>
</tbody>
</table>

^Does not have an SBE-approved funding determination.

---

**100% Recommendation for Two Years–Continuing Schools**  
**Fiscal Year 2011–12 through 2012–13**

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0526</td>
<td>Sonoma</td>
<td>Northwest Prep Piner Olivet</td>
<td>2004</td>
<td>100% 2 Years</td>
</tr>
</tbody>
</table>

^Does not have an SBE-approved funding determination.

---

**100% Recommendation for Four Years–Continuing Schools**  
**Fiscal Year 2011–12 through 2014–15**

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0493</td>
<td>San Diego</td>
<td>California Virtual Academy</td>
<td>2002</td>
<td>100% 4 Years</td>
</tr>
</tbody>
</table>

San Diego
Recommendation for Two Years–Continuing Schools  
Fiscal Year 2011–12 through 2012–13

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>ACCS/CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1132</td>
<td>San Bernardino</td>
<td>Options for Youth San Bernardino</td>
<td>2009</td>
<td>100% 2 Years</td>
</tr>
</tbody>
</table>

Recommendation for Two Years–Continuing Schools  
Fiscal Year 2011–12 through 2012–13

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>ACCS/CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0402</td>
<td>Los Angeles</td>
<td>Opportunities for Learning Baldwin Park</td>
<td>2001</td>
<td>85% 2 Years</td>
</tr>
<tr>
<td>0874</td>
<td>Los Angeles</td>
<td>Opportunities for Learning Baldwin Park II</td>
<td>2007</td>
<td>85% 2 Years</td>
</tr>
</tbody>
</table>

Recommendation for Two Years–Continuing Schools  
Fiscal Year 2011–12 through 2012–13

<table>
<thead>
<tr>
<th>Charter #</th>
<th>County</th>
<th>School</th>
<th>First Year of Operation</th>
<th>ACCS Recommendation</th>
<th>CDE Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1131</td>
<td>Los Angeles</td>
<td>Options for Youth Hermosa Beach</td>
<td>2009</td>
<td>85% 2 Years</td>
<td>70% 2 Years</td>
</tr>
<tr>
<td>1130</td>
<td>Los Angeles</td>
<td>Opportunities for Learning Hermosa Beach</td>
<td>2009</td>
<td>85% 2 Years</td>
<td>70% 2 Years</td>
</tr>
<tr>
<td>0214</td>
<td>Los Angeles</td>
<td>Opportunities for Learning Santa Clarita</td>
<td>1999</td>
<td>85% 2 Years</td>
<td>70% 2 Years</td>
</tr>
<tr>
<td>0013</td>
<td>San Bernardino</td>
<td>Options for Youth Victorville</td>
<td>1993</td>
<td>85% 2 Years</td>
<td>70% 2 Years</td>
</tr>
</tbody>
</table>
Excerpts from the California *Education Code* and Implementing Regulations with Regard to SB 740 Funding Determinations

**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 11963.4
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 © of section 11963.3 equals at least 35 percent but less than 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision © 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 © of section 11963.3 equals or exceeds 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision © 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 © of section 11963.3 equals or exceeds 40 percent, the percentage calculated pursuant to paragraph (2) of subdivision © 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 © of section 11963.3 is less than 35 percent, or the percentage calculated pursuant to paragraph (2) of subdivision © 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©.

(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

Section 11963.6(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school’s actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.

Section 11963.6(c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.
May 31, 2011

Members of the ACCS
Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

REF: SB 740 Mitigating Circumstances, California Virtual Academy /@ San Diego, #0493

Dear Members of the ACCS,

Please accept this letter as our request for budgetary relief under the SB 740 guidelines for mitigating circumstances of the funding determination for the California Virtual Academy /@ San Diego. The charter began serving students on September 9, 2002.

As was discussed by the ACCS last year, meeting the SB 740 expenditure targets is and has been challenging over the past year due to the state budget crisis. From the recent budgetary news, it appears those challenges will continue in the near future without relief. Many of the costs that do not count toward the current SB 740 targets are "fixed" in nature and in fact have increased this year (district office rent, utilities, maintenance, liability insurance, district oversight and services fees, special education services costs, etc.). The school has relatively little control over them and they are very difficult to reduce or eliminate. Please see Charts A & B below:
Due to the current and forecasted future budget crisis in California we respectfully request the granting of mitigating circumstances in the following areas:

- **“Spending on certificated staff compensation”**—the school will direct at least 35 percent of its expenditures toward eligible certificated staffing costs.

- **One-time funding sources excluded**—when calculating the above spending targets thresholds, the school will exclude “one-time” funding sources (e.g., federal stimulus funding, ed jobs funding, and all funding sources that are categorical in nature or one time allocations, etc.).

- **Coping with cash flow deferrals**—for funding determination purposes, the school will book the receipt of deferred state funding on an accrual basis.

We believe these are reasonable requests and the budget crisis provides a “reasonable basis” for the provision of “Funding Determination” mitigating circumstances during this difficult financial period in California.

The request of California Virtual Academy at San Diego includes the understanding that with meeting the above mitigated criteria for our expenditures in the 2011-12 through 2012-13 fiscal years will allow the school to continue with a 100% funding determination for the period of its current determination or until such time the ACCS determines the budget situation in the state no longer requires the continuance of these measures. This is consistent with the period of flexibility that has been provided to school districts through the 2012-13 fiscal years.
By submission and approval of this request the California Virtual Academy at San Diego provides the assurance that it will maintain the above stated expenditure and student ratio targets for the duration of its most current funding determination.

Respectfully,

Katrina Abston
Head of School
Mitigating Circumstances Request for California Virtual Academy San Diego

May 31, 2011

Members of the ACCS
Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

REF: SB 740 Mitigating Circumstances, California Virtual Academy @ San Diego, #0493

Dear Members of the ACCS,

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As was discussed by the ACCS last year, meeting the SB 740 expenditure targets is and has been challenging over the past year due to the state budget crisis. From the recent budgetary news, it appears those challenges will continue in the near future without relief. Many of the costs that do not count toward the current SB 740 targets are “fixed” in nature and in fact have increased this year (district office rent, utilities, maintenance, liability insurance, district oversight and services fees, special education services costs, etc.). The school has relatively little control over them and they are very difficult to reduce or eliminate. Please see Charts A & B below:

- Chart A is the Facilities and Insurance Expenditures bar graph which includes Fiscal Year 2006 to 2010.
- Chart B is the Increase of Facilities and Insurance from Fiscal Year 2006 bar graph.

Due to the current and forecasted future budget crisis in California we respectfully request the granting of mitigating circumstances in the following areas:

- **Spending on certificated staff compensation**—the school will direct at least 35 percent of its expenditures toward eligible certificated staffing costs.
- **One-time funding sources excluded**—when calculating the above spending targets thresholds, the school will exclude “one-time” funding sources (e.g., federal stimulus funding, ed jobs funding, and all funding sources that are categorical in nature or one time allocations, etc.).
- **Coping with cash flow deferrals**—for funding determination purposes, the school will book the receipt of deferred state funding on an accrual basis.

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The request of California Virtual Academy @ San Diego includes the understanding that with meeting the above mitigated criteria for our expenditures in the 2011-12 through 2012-13 fiscal years will allow the school to continue with a 100% funding determination for the period of its current determination or until such time the ACCS determines the budget situation in the state no longer requires the continuance of these measures. This is consistent with the period of flexibility that has been provided to school districts through the 2012-13 fiscal years.

By submission and approval of this request the California Virtual Academy @ San Diego provides the assurance that it will maintain the above stated expenditure and student ratio targets for the duration of its most current funding determination.
Respectfully,

Original signed by Katrina Abston, Head of School

Katrina Abston
Head of School
July 13, 2011

Jay Harris, Consultant
Charter Schools Division

Dear Mr. Harris,

Crossroads Trade Tech Academy would like to site mitigating circumstance as the reasons for not meeting the 80% threshold of instructional supply spending for the 2010-2011 school year. There are two reasons:

One, the prior year second period average daily attendance was less than 100 units (students);

Two, facilities costs make it impossible to meet the 80% threshold.

Steve Bogan
Superintendent
Armona Union Elementary School District
July 13, 2011

Jay Harris, Education Programs Consultant, Charter Schools Division
Beth Hunkapiller, Division Director, Charter Schools Division
Advisory Commission on Charter Schools (ACCS)

Re: Mitigating Circumstances Request for Nonclassroom-Based Funding Determination
Application - Northwest Prep at Piner-Olivet Charter School

Piner-Olivet Union School District on behalf of Northwest Prep at Piner-Olivet Charter School would like to request that two mitigating circumstances be taken into consideration when making a determination on the Nonclassroom-Based Funding Determination Application.

1) Northwest Prep at Piner-Olivet paid $25,292 in classroom facilities leases in 2009-2010. All of this expense was for classrooms for student instruction. In 2010-2011, Northwest Prep was moved onto one of the District’s school campuses and beginning in 2011-2012, will have no rental expense for classroom space.

2) Northwest Prep at Piner-Olivet has had a budget deficit for several years that was required to be eliminated by the Sonoma County Office of Education. In 2009-2010, Northwest Prep reduced that deficit by $31,104. Those funds were not available to be spent for instructional purposes. Northwest Prep at Piner-Olivet no longer has a budget deficit issue and will have a reasonable reserve in place in 2012-2013.

If you have any questions or need more information, please feel free to call me at 707-522-3008, or e-mail me at bleffew@pousd.kl2.ca.us.

Sincerely,

Becky Leffew,
Director of Business Services
This memo outlines Options For Youth-Hermosa Beach Public Charter Schools’ request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Options For Youth Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Options For Youth-Hermosa Beach Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

<table>
<thead>
<tr>
<th>Charter School Name</th>
<th>Charter School Number</th>
<th>Current Funding Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Options For Youth – Hermosa Beach</td>
<td>1131</td>
<td>85%</td>
</tr>
</tbody>
</table>

Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools’ total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible
retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09 school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools’ audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional “thresholds” until half way through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The school determined that a 61.25% expend rate for instructional compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remain relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Options For Youth-Hermosa Beach opened its first center in September 2009 and is in the process of opening additional locations during the school year 2011-12, and as a non-classroom based program, OFY-Hermosa Beach is ineligible for Proposition 39 funding. Since 2009, Options For Youth-Hermosa Beach has grown by 90 ADA. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Options For Youth-Hermosa Beach success in assisting students in graduation has been remarkable. OFY-Hermosa Beach served 510 students during the 2009-10 school year and graduated 19 students with a 88% socioeconomically disadvantaged student population (see attached). OFY-Hermosa Beach received a 2010 Growth API score of 632 and is ranked well within Jack O’Connell’s selection of Model Continuation High Schools (see attached).
A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

**Relief**

- **Spending on instructional costs**—Options For Youth-Hermosa Beach Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on “instruction and related services” whereas current law requires spending at a 70 percent level for 85 percent funding. Options For Youth Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**—Options For Youth-Hermosa Beach Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**—Options For Youth-Hermosa Beach Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily “smooth” the impact of budget changes over a multi-year period.

- **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude “one-time” funding sources (e.g., federal stimulus funding).

- **Coping with cash flow deferrals**—for funding determination purposes, Options For Youth-Hermosa Beach Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

**Circumstance:**

Options For Youth-Hermosa Beach Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Options For Youth-Hermosa Beach Charter Schools have expanded their services, added new programs, expanded their hours of operations to include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools’ ability to meet the increasing demand of the at-
risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or expanding a location. This requirement, a “Conditional use Permit” is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Options For Youth – Hermosa Beach has experienced an ADA growth of 26.20% since September 2009. The additional growth has increased the Charter school’s required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Options For Youth Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as “instruction and related services” costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Options For Youth-Hermosa Beach Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state’s desire to ensure that Options For Youth-Hermosa Beach Public Charter Schools’ funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS
FROM: JOAN HALL, PRESIDENT—OPTIONS FOR YOUTH-SAN BERNARDINO PUBLIC CHARTER SCHOOLS
SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS
DATE: 1/31/2011

This memo outlines Options For Youth-San Bernardino Public Charter Schools’ request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Options For Youth Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Options For Youth-San Bernardino Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

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<tr>
<th>Charter School Name</th>
<th>Charter School Number</th>
<th>Current Funding Level</th>
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<tbody>
<tr>
<td>Options For Youth – San Bernardino</td>
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<td>85%</td>
</tr>
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</table>

Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools’ total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible
retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09 school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools' audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional “thresholds” until half way through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The school determined that a 61.25% expend rate for instructional compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remain relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Options For Youth-San Bernardino opened its first location in September 2009, and is in the process of opening an additional location during the current school year 2010-11, and as a non-classroom based program, OFY-San Bernardino is ineligible for Proposition 39 funding. Since 2009, Options For Youth-San Bernardino has grown by 409 ADA. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Options For Youth-San Bernardino success in assisting students in graduation has been remarkable. OFY-San Bernardino graduated 8 students during the 2009-10 school year with an 83% socioeconomically disadvantaged student population (see attached). OFY-San Bernardino is ranked well within Jack O'Connell's selection of Model Continuation High Schools (see attached).
A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

• Spending on instructional costs—Options For Youth-San Bernardino Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on “instruction and related services” whereas current law requires spending at a 70 percent level for 85 percent funding. Options For Youth Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

• Spending on certificated staff compensation—Options For Youth-San Bernardino Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

• Reserves—Options For Youth-San Bernardino Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily “smooth” the impact of budget changes over a multi-year period.

• One-time funding sources excluded—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude “one-time” funding sources (e.g., federal stimulus funding).

• Coping with cash flow deferrals—for funding determination purposes, Options For Youth-San Bernardino Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

Circumstance:

Options For Youth-San Bernardino Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Options For Youth-San Bernardino Charter Schools have expanded their services, added new programs, expanded their hours of operations to include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools’ ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden to
charter schools when opening or expanding a location. This requirement, a “Conditional use Permit” is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Options For Youth – San Bernardino will experience an ADA growth of 184% since September 2009 to the current fiscal year 2010-11. The additional growth has increased the Charter school’s required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Options For Youth Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as “instruction and related services” costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Options For Youth-San Bernardino Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state's desire to ensure that Options For Youth-San Bernardino Public Charter Schools' funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS
FROM: JOHN HALL, PRESIDENT—OPTIONS FOR YOUTH-VICTOR VALLEY PUBLIC CHARTER SCHOOLS
SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS
DATE: 1/31/2011

This memo outlines Options For Youth-Victor Valley Public Charter Schools' request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Options For Youth Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Options For Youth-Victor Valley Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

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<td>Options For Youth – Victor Valley</td>
<td>0013</td>
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Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools' total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible...
retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09 school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools’ audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional “thresholds” until half way through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Options For Youth-Victor Valley served over 4,500 students during the 2009-10 school year an increase of 14.2% from the previous school year, and as a non-classroom based program, OFY-Victor Valley is ineligible for Proposition 39 funding. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Options For Youth-Victor Valley’s success in assisting students in graduation has been remarkable. OFY-Victor Valley graduated 322 students during the 2009-10 school year with a 84% socioeconomically disadvantaged student population (see attached). OFY-Victor Valley has increased their API score by 47 basis point since 2005 and is ranked well within Jack O’Connell’s selection of Model Continuation High Schools (see attached).
A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

• **Spending on instructional costs**—Options For Youth-Victor Valley Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on “instruction and related services” whereas current law requires spending at a 70 percent level for 85 percent funding. Options For Youth Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

• **Spending on certificated staff compensation**—Options For Youth-Victor Valley Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

• **Reserves**—Options For Youth-Victor Valley Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily “smooth” the impact of budget changes over a multi-year period.

• **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude “one-time” funding sources (e.g., federal stimulus funding).

• **Coping with cash flow deferrals**—for funding determination purposes, Options For Youth-Victor Valley Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

**Circumstance:**

Options For Youth-Victor Valley Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Options For Youth-Victor Valley Charter Schools have expanded their services, added new programs, expanded their hours of operations to include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools’ ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or
expanding a location. This requirement, a “Conditional use Permit” is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Options For Youth – Victor Valley has experienced a growth in ADA of 22.8% since July 2008. The additional growth has increased the Charter school’s required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Options For Youth Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as “instruction and related services” costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Options For Youth-Victor Valley Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state’s desire to ensure that Options For Youth-Victor Valley Public Charter Schools’ funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS
FROM: JOHN HALL, PRESIDENT—OPPORTUNITIES FOR LEARNING—BALDWIN PARK PUBLIC CHARTER SCHOOLS
SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS
DATE: 1/31/2011

This memo outlines Opportunities For Learning-Baldwin Park Public Charter Schools' request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Opportunities For Learning Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Opportunities For Learning-Baldwin Park Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

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<tr>
<td>Opportunities For Learning – Baldwin Park</td>
<td>0402</td>
<td>85%</td>
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</table>

Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools’ total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09
school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools’ audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional “thresholds” until halfway through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The school determined that a 61.25% expend rate for instructional compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remain relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Opportunities For Learning-Baldwin Park has opened 2 new locations in the past three years, and is in the process of opening an additional 2 locations during the school year 2011-12, and as a non-classroom based program, OFL-Baldwin Park is ineligible for Proposition 39 funding. In addition, the Charter School has also relocated 2 existing centers to accommodate student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Opportunities For Learning-Baldwin Park success in assisting students in graduation has been remarkable. OFL-Baldwin Park graduated 594 students during the 2009-10 school year with a 72% socioeconomically disadvantaged student population (see attached). OFL-Baldwin Park has increased their API score by 82 basis point since 2008 and is ranked well within Jack O’Connell’s selection of Model Continuation High Schools (see attached). OFL-Baldwin Park met 14 out of 18 categories for AYP (Adequate Yearly Progress) in 2009-2010. OFL-Baldwin Park received a Similar Schools ranking of 10 out of a possible 10 by the CDE in 2010.
A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

**Relief**

- **Spending on instructional costs**—Opportunities For Learning-Baldwin Park Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on "instruction and related services" whereas current law requires spending at a 70 percent level for 85 percent funding. Opportunities For Learning Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**—Opportunities For Learning-Baldwin Park Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**—Opportunities For Learning-Baldwin Park Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily "smooth" the impact of budget changes over a multi-year period.

- **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude "one-time" funding sources (e.g., federal stimulus funding).

- **Coping with cash flow deferrals**—for funding determination purposes, Opportunities For Learning-Baldwin Park Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

**Circumstance:**

Opportunities For Learning-Baldwin Park Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Opportunities For Learning-Baldwin Park Charter Schools have expanded their services, added new programs, expanded their hours of operations to include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools' ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden
to charter schools when opening or expanding a location. This requirement, a “Conditional use Permit” is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Opportunities For Learning – Baldwin Park will experience an ADA growth of 5.15% since July 2009 to the current fiscal year 2010-11. The additional growth has increased the Charter school’s required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

• Allowable facilities expenditures— Opportunities For Learning Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as “instruction and related services” costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Opportunities For Learning-Baldwin Park Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state’s desire to ensure that Opportunities For Learning-Baldwin Park Public Charter Schools’ funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS
FROM: JOHN HALL, PRESIDENT—OPPORTUNITIES FOR LEARNING-BALDWIN PARK II PUBLIC CHARTER SCHOOLS
SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS
DATE: 1/31/2011

This memo outlines Opportunities For Learning-Baldwin Park II Public Charter Schools' request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Opportunities For Learning Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Opportunities For Learning-Baldwin Park II Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

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<tr>
<th>Charter School Name</th>
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<th>Current Funding Level</th>
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<tr>
<td>Opportunities For Learning—Baldwin Park II</td>
<td>874</td>
<td>85%</td>
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Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools’ total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09 school year.
school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools’ audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional “thresholds” until halfway through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Opportunities For Learning-Baldwin Park II has opened 5 new locations in the past three years, and is in the process of opening an additional 2 locations during the school year 2011-12, and as a non-classroom based program, OFL-Baldwin Park II is ineligible for Proposition 39 funding. In addition, the Charter School has also relocated 2 existing centers to accommodate student population growth. Since 2008, Opportunities For Learning-Baldwin Park II has grown by 2,300 ADA. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Opportunities For Learning-Baldwin Park II’s success in assisting students in graduation has been remarkable. OFL-Baldwin Park II graduated 261 students during the 2009-10 school year with a 89% socioeconomically disadvantaged student population (see attached). OFL-Baldwin Park II has increased their API score by 114 basis points since 2008 and is ranked well within Jack O’Connell’s
selection of Model Continuation High Schools (see attached). OFL-Baldwin Park II met 15 out of 16 categories for AYP (Adequate Yearly Progress in the 2009-2010 school year.)

A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

• Spending on instructional costs—Opportunities For Learning-Baldwin Park II Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on “instruction and related services” whereas current law requires spending at a 70 percent level for 85 percent funding. Opportunities For Learning Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

• Spending on certificated staff compensation—Opportunities For Learning-Baldwin Park II Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

• Reserves—Opportunities For Learning-Baldwin Park II Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily “smooth” the impact of budget changes over a multi-year period.

• One-time funding sources excluded—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude “one-time” funding sources (e.g., federal stimulus funding).

• Coping with cash flow deferrals—for funding determination purposes, Opportunities For Learning-Baldwin Park II Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

Circumstance:

Opportunities For Learning-Baldwin Park II Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Opportunities For Learning-Baldwin Park II Charter Schools have expanded their services, added new programs, expanded their hours of operations to
include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools' ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or expanding a location. This requirement, a "Conditional use Permit" is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Opportunities For Learning-Baldwin Park II has experienced an ADA growth of 1,200% since July of 2008. The additional growth has increased the Charter school's required spending for Certified Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provide relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Opportunities For Learning Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as "instruction and related services" costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Opportunities For Learning-Baldwin Park II Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state's desire to ensure that Opportunities For Learning-Baldwin Park II Public Charter Schools' funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS

FROM: JOHN HALL, PRESIDENT—OPPORTUNITIES FOR LEARNING-HERMOSA BEACH PUBLIC CHARTER SCHOOLS

SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS

DATE: 1/31/2011

This memo outlines Opportunities For Learning-Hermosa Beach Public Charter Schools’ request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Opportunities For Learning Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Opportunities For Learning-Hermosa Beach Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

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<tr>
<td>Opportunities For Learning – Hermosa Beach</td>
<td>1130</td>
<td>85%</td>
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Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools' total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09...
school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools’ audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional “thresholds” until halfway through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximately 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

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Opportunities For Learning-Hermosa Beach has opened 5 new locations in the past three years, and is in the process of opening an additional 2 locations during the school year 2011-12, and as a non-classroom based program, OFL-Hermosa Beach is ineligible for Proposition 39 funding. Since 2009, Opportunities For Learning-Hermosa Beach has grown by 599 ADA. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 - 3 years.

Opportunities For Learning-Hermosa Beach success in assisting students in graduation has been remarkable. OFL-Hermosa Beach graduated 21 students during the 2009-10 school year with a projected total of 100 graduates in the 2010-2011 school year with a 69% socioeconomically disadvantaged student population (see attached). OFL-Hermosa Beach received a 2010 Growth API score of 732 and is ranked well within Jack O’Connell’s selection of Model Continuation High
Schools (see attached). OFL-Hermosa Beach met 4 out of 4 categories for AYP (Adequate Yearly Progress).

A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

- **Spending on instructional costs**—Opportunities For Learning-Hermosa Beach Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on “instruction and related services” whereas current law requires spending at a 70 percent level for 85 percent funding. Opportunities For Learning Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

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- **Reserves**— Opportunities For Learning-Hermosa Beach Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily “smooth” the impact of budget changes over a multi-year period.

- **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude “one-time” funding sources (e.g., federal stimulus funding).

- **Coping with cash flow deferrals**—for funding determination purposes, Opportunities For Learning-Hermosa Beach Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

Circumstance:

Opportunities For Learning-Hermosa Beach Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Opportunities For Learning-Hermosa Beach Charter Schools have expanded their services, added new programs, expanded their hours of operations to
include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools’ ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or expanding a location. This requirement, a “Conditional use Permit” is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Opportunities For Learning – Hermosa Beach has experienced an ADA growth of 489% since September 2009. The additional growth has increased the Charter school’s required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

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Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Opportunities For Learning-Hermosa Beach Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state’s desire to ensure that Opportunities For Learning-Hermosa Beach Public Charter Schools’ funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
TO: ADVISORY COMMISSION ON CHARTER SCHOOLS
FROM: JOHN HALL, PRESIDENT—OPPORTUNITIES FOR LEARNING-SANTA CLARITA PUBLIC CHARTER SCHOOLS
SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS
DATE: 1/31/2011

This memo outlines Opportunities For Learning-Santa Clarita Public Charter Schools' request for funding and operational flexibility through the “reasonable basis” provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Opportunities For Learning Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State’s economic crisis. During the pendency of the budget crisis, Opportunities For Learning-Santa Clarita Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The “reasonable basis” would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

<table>
<thead>
<tr>
<th>Charter School Name</th>
<th>Charter School Number</th>
<th>Current Funding Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opportunities For Learning - Santa Clarita</td>
<td>0214</td>
<td>85%</td>
</tr>
</tbody>
</table>

Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California’s charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools’ total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to develop a “two-track” budget proposal for the 2011-12 school year, one based on the Governor’s flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state’s budget also creates uncertainty of possible retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09
school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools' audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional "thresholds" until halfway through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

<table>
<thead>
<tr>
<th>40%</th>
<th>Current Certificated Spending Requirement</th>
</tr>
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<tbody>
<tr>
<td>(5%)</td>
<td>Less Reduction of 12.5% (40% times 12.5%)</td>
</tr>
<tr>
<td>35%</td>
<td>New Certificated Spending Requirement</td>
</tr>
</tbody>
</table>

The school determined that a 61.25% expend rate for instructional compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remain relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

<table>
<thead>
<tr>
<th>70%</th>
<th>Current Instructional Spending Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(8.75%)</td>
<td>Less Reduction request of 12.5% (70% times 12.5%)</td>
</tr>
<tr>
<td>61.25%</td>
<td>New Instructional Spending Requirement</td>
</tr>
</tbody>
</table>

The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Opportunities For Learning-Santa Clarita (William S. Hart) has opened 1 new locations in the past three years, and is in the process of opening an additional 1 location during the school year 2011-12, and as a non-classroom based program, OFL-Santa Clarita (William S. Hart) is ineligible for Proposition 39 funding. In addition, the Charter School has also relocated/expanded 2 existing centers to accommodate student population growth. Since 2008, Opportunities For Learning-Santa Clarita (William S. Hart) has grown by 546 ADA. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2–3 years.

Opportunities For Learning-Santa Clarita (William S. Hart) success in assisting students in graduation has been remarkable. OFL-Santa Clarita (William S. Hart) graduated 462 students during the 2009-10 school year with a 60% socioeconomically disadvantaged student population (see attached). OFL-Santa Clarita (William S. Hart) has increased their API score by 60 basis point since 2008 and is ranked well within Jack O'Connell's selection of Model Continuation High Schools (see attached).
OFL-Santa Clarita (William S. Hart) received a Similar Schools Ranking of 10 out of a possible 10 by the CDE in 2010.

A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

- **Spending on instructional costs**—Opportunities For Learning-Santa Clarita Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on “instruction and related services” whereas current law requires spending at a 70 percent level for 85 percent funding. Opportunities For Learning Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**—Opportunities For Learning-Santa Clarita Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**—Opportunities For Learning-Santa Clarita Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily “smooth” the impact of budget changes over a multi-year period.

- **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude “one-time” funding sources (e.g., federal stimulus funding).

- **Coping with cash flow deferrals**—for funding determination purposes, Opportunities For Learning-Santa Clarita Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

**Circumstance:**

Opportunities For Learning-Santa Clarita Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Opportunities For Learning-Santa Clarita Charter Schools have expanded their services, added new programs, expanded their hours of operations to
include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools' ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or expanding a location. This requirement, a "Conditional use Permit" is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Opportunities For Learning – William S. Hart has experienced an ADA growth of 25% since July 2008. The additional growth has increased the Charter school's required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Opportunities For Learning Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as "instruction and related services" costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Opportunities For Learning-Santa Clarita Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state's desire to ensure that Opportunities For Learning-Santa Clarita Public Charter Schools' funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.
ITEM 11
## SUBJECT

Charter Revocation and Revocation Appeals - Approve Commencement of a Fourth 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5 sections 11965, 11968.1, 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5, and 11969.1.

<table>
<thead>
<tr>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
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## RECOMMENDATION

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

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a fourth 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the fourth 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and resubmit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the fourth 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s November 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

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

At its March 2008 meeting, the SBE directed the CDE to develop regulations to clarify and make specific subdivisions (c) through (j) of *California Education Code (EC)* Section 47607 regarding charter revocation and the revocation appeal process. In September 2008, the CDE drafted regulations and held two workgroup meetings in October and November 2008 with stakeholder groups to discuss the draft regulations and to incorporate stakeholder comments.
In December 2008 and April 2009, the Advisory Commission on Charter Schools (ACCS) considered the draft regulations that reflected stakeholder input. At both meetings, the ACCS held a full discussion of the draft regulations and requested additional amendments and clarification.

In July 2009, the CDE made significant revisions to the proposed regulations to streamline and clarify the draft regulations, and received direction from SBE staff to develop additional regulations that address revocation pursuant to EC Section 47604.5, and revocation of statewide benefit charters. The CDE presented an update item to the SBE at its September 2009 meeting to inform the SBE of CDE’s progress on the new proposed charter revocation regulations package.

At its January 2010 meeting, the SBE considered a proposed regulations package concerning charter revocation under EC sections 47607 and 47604.5(a) and (b). The SBE directed the CDE to again consult with stakeholder groups and return to the March 2010 SBE meeting with a revised regulations package that would incorporate additional stakeholder input.

The CDE held meetings with stakeholders on January 15, 2010, January 25, 2010, and February 22, 2010. The CDE incorporated a majority of the consensus views expressed during the meetings with stakeholders, as well as written comments received from stakeholders after those meetings, into the proposed regulations package.

At its May 2010 meeting, the SBE approved the commencement of the rulemaking process for this regulations package. The 45-day public closed on July 6, 2010. The CDE received substantive public comments and proposed changes to the regulations package. The SBE approved the proposed changes at its September 2010 meeting and directed that the package be circulated for a 15-day public comment period in accordance with the Administrative Procedure Act. The 15-day public comment period closed on October 18, 2010. The SBE approved the proposed changes at its November 2010 meeting and directed that the package be circulated for a second 15-day public comment period. The second 15-day public comment period closed on November 29, 2010. As no relevant comments were received during the second 15-day public comment period, the CDE submitted the rulemaking package to OAL for approval. The SBE was notified on March 25, 2011, that OAL had rejected the rulemaking package. Details regarding the OAL decision are included as Attachment 3. At its July 2011 meeting, the SBE approved revisions to the proposed regulations and directed the CDE to circulate the revisions for a third 15-day public comment period that ended August 2, 2011.

It should be noted that the SBE also commenced the rulemaking process for a second set of charter revocation regulations. In December 2009, the SBE took action to begin the rulemaking process for the adoption of regulations pursuant to subdivision (c) of EC Section 47604.5 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. At its July 2010 meeting, the SBE approved the commencement of a 15-day public comment period for these regulations, which began on July 19, 2010, and closed on August 3, 2010. At its September 2010 meeting, the SBE approved the commencement of a second 15-day public comment period, which began on October 2, 2010, and closed on October 18, 2010. After considering comments received during the second 15-day public comment period at its November 2010 meeting, the SBE approved the adoption of the proposed regulations and the Final Statement of Reasons, directed the CDE to submit the rulemaking file to the OAL for approval, and authorized the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file. These regulations were filed by the OAL on January 14, 2011, and became operative on February 13, 2011.

SUMMARY OF KEY ISSUES

*EC* sections 47607(c) through 47607(g) provide the criteria for revocation of a school’s charter by a chartering authority and the process by which a school may appeal a revocation decision to a county board of education and/or the SBE.

Through this rulemaking process, the SBE proposes to amend Article 2 and add Article 2.5 to Subchapter 19 of Chapter 11 of Division 1 of the *California Code of Regulations*, Title 5. The proposed regulations clarify and make specific the provisions of *EC* sections 47604.5 and 47607 regarding the process and timelines for revocation of a school’s charter, and the appeals process up to and including the SBE.

Amendments to Article 2 provide the definitions necessary to carry out the revocation and revocation appeals process proposed in this rulemaking package.

Proposed Article 2.5 contains five new provisions that are intended to:

- Establish the procedures the CDE shall complete prior to when the State Superintendent of Public Instruction (SSPI) makes a recommendation to the SBE to take appropriate action, including, but not limited to, revocation of a school’s charter under subdivisions *EC* Section 47604.5.

- Establish the procedures a chartering authority shall complete for the revocation of a school’s charter pursuant to *EC* Section 47607(c).

- Establish the procedures the chartering authority shall complete for the revocation of a school’s charter when a chartering authority has determined that any violation under *EC* Section 47607(c) constitutes a severe and imminent threat to the health or safety of pupils and establish the procedures for a charter school to appeal a revocation decision to a county board of education or the SBE.
SUMMARY OF KEY ISSUES (Cont.)

- Establish the procedures for a charter school to appeal to a county board of education a district chartering authority’s final decision to revoke the school’s charter.

- Establish the procedures for a charter school or district chartering authority to appeal a revocation decision to the SBE.

On March 25, 2011, the OAL notified the SBE of the disapproval of the regulations package due to the following issues, which are described in detail in the Decision of Disapproval of Regulatory Action (Attachment 4):

- Failure to comply with the “clarity” standard of Government Code section 11349.1;

- Failure to adequately summarize and respond to all the public comments received regarding the proposed action;

- Documents in the rulemaking file which are defective; and

- Failure to comply with all required Administrative Procedure Act procedures.

CDE staff met with staff from the OAL to discuss these deficiencies. Because several of the remedies for these issues required substantive revision of the rulemaking file, a third 15-day public comment period is required. The SBE would have 120 days from the receipt of the Decision of Disapproval of Regulatory Action to approve the third public comment period, subsequently approve a revised Final Statement of Reasons and proposed regulations, and submit the rulemaking file to OAL.

Because the 120-day time period expired on July 23, 2011, the CDE recommended and the SBE approved at its July 14, 2011, meeting, that the CDE request an extension from the OAL. This request was granted by the OAL, which extended the deadline to November 25, 2011.

To address public comment made during the third 15-day public comment period, CDE revised the rulemaking package and recommends that the SBE approve the revisions to the proposed regulations and direct the CDE to circulate the proposed changes for a fourth 15-day public comment period. If no relevant comments to the proposed changes are received during the fourth 15-day comment period, the CDE recommends that the SBE direct the CDE to place the proposed regulations on the SBE’s November 2011 agenda for action.
A Fiscal Impact Statement was provided as an Item Addendum at the May 2010 SBE meeting. The first Fiscal Impact Statement 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 as in violation of EC Section 47604.5. It is estimated that it would cost one full-time consultant, or approximately $150,000, for every five schools identified in violation of EC Section 47604.5.

Due to extensive substantive edits, a second Fiscal Impact Statement was provided at the July 14, 2011, SBE meeting. A revised version of that Fiscal Impact Statement is included as Attachment 5.

ATTACHMENTS

Attachment 1: Addendum to Final Statement of Reasons (11 Pages)
Attachment 2: Proposed regulations (18 Pages)
Attachment 4: Letter to Susan Burr from the Office of Administrative Law, dated July 15, 2011 (1 Page)
Attachment 5: Economic and Fiscal Impact Statement (4 Pages)
ADDENDUM TO FINAL STATEMENT OF REASONS
Charter Revocation and Revocation Appeals

UPDATE OF THE INITIAL STATEMENT OF REASONS

Through this rulemaking process, the State Board of Education (SBE) proposes to amend Article 2 and add Article 2.5 to Subchapter 19 of Chapter 11 of Division 1 of the California Code of Regulations, Title 5. The proposed regulations clarify and make specific the provisions of Education Code section 47607, subdivisions (c) through (g), which provide the criteria for revocation of a school’s charter by a chartering authority, the process by which the SBE may revoke a charter based on the recommendation of the State Superintendent of Public Instruction (SSPI) pursuant to Education Code section 47604.5, and the process by which a school may appeal a revocation decision to a county board of education and/or the SBE.

Amendments to Article 2 provide the definitions necessary to carry out the revocation and revocation appeals process proposed in this rulemaking package.

Proposed Article 2.5 contains five new provisions.

Section 11968.5.1 sets forth the procedures the CDE shall complete prior to when the SSPI makes a recommendation to the SBE to take appropriate action, including, but not limited to, revocation of a school’s charter under Education Code section 47604.5.

Section 11969.1 establishes the procedures a chartering authority shall complete for the revocation of a school’s charter pursuant to Education Code section 47607(c).

Section 11969.2 establishes the procedures the chartering authority shall complete for the revocation of a school’s charter when a chartering authority has determined that any violation under Education Code section 47607(c) constitutes a severe and imminent threat to the health or safety of pupils and establishes the procedures for a charter school to appeal a revocation decision to a county board of education or the SBE.

Section 11969.3 establishes the procedures by which a charter school appeals a district chartering authority’s final decision to revoke the school’s charter to a county board of education.

Section 11969.4 establishes the procedures for a charter school or district chartering authority to appeal a revocation decision to the SBE.

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

- Renumbering and/or re-lettering changes were made throughout the regulations to accommodate amendments and deletions;
- “individualized education program” was changed to “IEP”;
• “charter school’s board or the governing entity” to “charter schools’ governing body as described in the school’s charter”;
• charter “authority” was changed to charter “authorizer”;

These changes were made throughout the regulations for clarity and consistency. In addition, various grammatical changes were made throughout these sections.

**Section 11965** is amended to add “Articles 1 and 2” in the introduction. This is necessary as these definitions also apply only to these articles.

**Section 11965(e)(4)** is amended to include the words “severe and imminent” in the phrase “poses a threat.” This revision addresses public comment and aligns more closely with statutory language.

**Section 11968.5.1(a)** is amended to remove “the SBE charter liaison(s)”. This is necessary because this term is not defined in current law or regulation. In addition, the written notice is to be delivered to the SBE Executive Director, who can direct it internally as needed.

**Section 11968.5.2(f)** is amended to remove the statement, “At any hearing concerning the revocation of a charter school, the charter school shall be allowed equal time to present and rebut prior to the close of the hearing.” The removal of this language is necessary to address public comment made during the 15-day comment period and to reconcile the CDE’s opinion with the proposed regulations. After the initial 45-day public comment period, the SBE directed the CDE to add this language. However, after further public comment and discussion with OAL, the CDE recommends its original opinion in this matter, which is that the SBE does not have jurisdiction over how local boards conduct their meetings.

**Section 11968.5.3** is amended to remove “section 11968.5.6” because this section does not exist. In addition, to provide clarity regarding the appeals process when charter schools have been revoked due to a severe and imminent threat to pupil health or safety, and in response to public comment, this section was revised. A process that mirrors the appeal process in section 11968.5.5 and clarifies the differences in the appeal process when a charter has been revoked due to a severe and imminent threat to pupil health or safety was added.

**Section 11968.5.3(d)** is added to clarify that the 90-day review period begins when a Notice of Appeal “that includes the documents listed in subdivision (c) of this section” is received by the county board of education. The language “that includes the documents listed in subdivision (c) of this section” to make clear the required documentation that must accompany an appeal.

**Section 11968.5.4(b)** is amended to remove the word “complete” before “Notice of Appeal” and to clarify that the 90-day review period begins when a Notice of Appeal “that includes the documents listed in subdivision (a) of this section” is received by the
county board of education. The words “to the county board of education” are deleted because this is redundant in its context and by deleting will improve the subsection’s clarity. Finally, the language “that includes the documents listed in subdivision (a) of this section” to make clear the required documentation that must accompany an appeal.

Sections 11968.5.5(b) through (e) are amended to provide clarity and consistency regarding the requirements for submitting documents. 

Section 11968.5.5(b)(1) is amended to remove “The appellant’s Notice of Appeal to the SBE, which shall include” due to redundancy of section 11968.5.5(b).

Section 11968.5.5(b)(6) is amended to replace “should” with “shall.” This is necessary for consistency within this section.

Section 11968.5.5(e)(4) is amended from “appellant” to “respondent” due to a typographical error.

The NOTE in Section 11968.5.5 was amended due to a typographical error.

AMENDMENTS TO RESPONSE TO COMMENTS SUBMITTED DURING PUBLIC COMMENT PERIODS

The following responses to comments have either been amended or the comments were inadvertently not responded to in the Final Statement of Reasons.

* * * * * * * * * *

COLIN A. MILLER, CALIFORNIA CHARTER SCHOOLS ASSOCIATION
Original Response and Comment

Comment B3, Section 11969.2: Mr. Miller states, “An authorizer that finds that a violation constitutes a ‘severe and imminent threat to the health or safety of its pupils’ may only bypass the Notice to Cure provisions in Education Code section 47607(d). The provisions of EC section 47607(e) still apply to any charter school that is being considered for revocation.” All charter schools being considered for revocation should receive a Notice of Intent to Revoke and have a public hearing regarding the allegations prior to the authorizer’s action to revoke.

Reject: The CDE disagrees with Mr. Miller’s interpretation of the statute. As such, the CDE rejects the proposed edits as inconsistent with the revocation procedures set forth in Education Code section 47607.

Amended Response: 

Reject: The CDE disagrees with Mr. Miller’s interpretation of the statute. Education Code section 47607(e) applies to situations when a chartering authority revokes a charter pursuant to subdivision (d) of this section. Education Code section 47607(d) excepts from its provisions violations constituting a severe and imminent threat to the
health and safety of pupils. As such, a Notice of Intent to Revoke and a public hearing may not be required.

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Comment: “Page 2, line 21: Inclusion of ‘severe’ is necessary to more closely align with the statutory language.”
Accept: The CDE has revised this language as to align with the statutory language.

* * * * * * * * * * * *
Comment: “Page 5, line 10: We suggest addition of the ‘charter authority’ to assure all affected parties are notified. Conforming amendments are suggested in other places in the draft.”
Reject: The CDE believes that this exceeds the requirements for revocation set forth in Education Code section 47607.

* * * * * * * * * * * *
Comment: “Page 7, line 8: We suggested deleting the word ‘detailed’ as this is a subjective and unnecessary qualifier with no basis in the law. We are concerned that under this language, a charter authority could simply reject a response as not being ‘detailed’ enough. In addition, the chartering authority isn’t subject to the same ‘detailed’ requirement in its Notice of violation, so the charter could be put in a position of trying to provide a ‘detailed’ response to a very vague Notice. Charter schools should be able to gauge the appropriate level of detail necessary to be compelling to its authorizer. Therefore, ‘detailed’ should be deleted from this phrase.”
Reject: The CDE finds that a common definition of “detailed” (as found in the American Heritage dictionary to be “having many details” or “thorough in the treatment of details”) provides direction regarding the expectations for the charter’s response. In addition, the appeals process provides a recourse for charter schools that have been unreasonably rejected due to lack of detail.

* * * * * * * * * * * *
Comment: “Page 8, line 6-12, page 10, line 26-32: In the pending legal challenge in the ‘Today’s Fresh Start vs. Los Angeles County Board of Education’ the trial court found that the revocation hearing must be impartial by a 3rd party, giving the charter school an opportunity to refute the evidence. This section could be impacted by the outcome of the LACOE v. TFS legal case. We suggest the addition of this language to address some of the issues raised in that case as they relate to sufficient notice and receipt of all evidence against the charter, and the opportunity to respond to the evidence presented to the board. We believe this language also is consistent with the intent of this law and these regulations to ensure fair and transparent due process in this matter.”
Reject: These regulations reflect the CDE’s position on revocation. The CDE does not write regulations based on pending litigation.
Original Comment and Response:

Comment B29, Section 11969.3(a): Mr. Miller suggests adding section (8) to read, “If the school was revoked pursuant to 11969.2, provides all information the chartering authority relied on in making the determination of a ‘Severe and Imminent Threat to the Health and Safety of the pupils’.”

Reject: The CDE believes that the proposed regulations already provide a clear appeal process for charter schools that are revoked pursuant to section 11969.2. It is clear in section 11969.2 that the appeal process shall follow the provisions in proposed sections 11969.3, 11969.4, and 11969.5.

Amended Response:
Partially Accept: The CDE has revised section 11968.5.3 to include a process for charter schools that have been revoked due to severe and imminent threat to the health and safety of pupils. This process mirrors the process set forth in section 11968.5.5, but is adapted to address the difference in the documents that would be available if the charter were revoked due to severe or imminent threat to pupils.

Comment: “Page 11, line 4: We suggest deleting the word ‘complete’ as this is a subjective and unnecessary qualifier with no basis in the law. We are concerned that under this language, a Notice of Appeal could be rejected simply for not being ‘complete’ and not receive the necessary due process considerations. Charter schools should be able to gauge the appropriate level of detail necessary to be compelling to the entity receiving the appeal.”

Accept: The CDE has revised this section to remove the word “complete” and to specify that the Notice of Appeal must include all of the items as required in subdivision (a) of this section.

Original Comment and Response:

Comment B30, Section 11969.3: Mr. Miller suggests adding a new subdivision (c) to read, “The county board shall hold a public hearing to consider the appeal within 60 days of receipt of a Notice of Appeal. No later than 10 days before the public hearing, the county board shall provide the charter school with all documents and materials that will be used to consider the appeal. At the public hearing, the county board shall present the evidence and representatives of the charter school and of the general public shall have an equal opportunity to address the board regarding the allegations and the evidence presented.”
Reject: The suggested new section exceeds the statutory language in Education Code section 47607(f)(3) that provides a county board of education the option to not act on an appeal of a charter revocation.

Amended Response:
Reject: The suggested new section exceeds the statutory language in Education Code section 47607(f)(3) that provides a county board of education the option to not act on an appeal of a charter revocation. Therefore, any language that hinges upon the county board taking action also exceeds the statutory authority. In addition, the CDE has no jurisdiction over how local boards conduct their meetings. California Education Code section 47608 specifies that all meetings of the governing boards of the school district and the county board of education shall comply with the Ralph M. Brown Act (Brown Act). Section 54954.3(b) of the Brown Act authorizes these bodies to adopt regulations to assist in processing comments from the public and specifies that the bodies may establish procedures for public comment as well as specifying reasonable time limitations on particular topics or individual speakers.

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Comment: “Page 12, lines 29-31, and page 13, lines 1-29. It is unclear why this additional back and forth is included in the state board appeal, but not at the county level. While we have not suggested specific amendments to this section, in response to our concern noted in item #3 above, we suggest the board seriously consider the value of this additional process against the timeliness of a decision. Because the state board already has the benefit of the county review, it seems it may be able to reach its decision in a timelier manner and the additional timelines and back and forth could be eliminated from the regulations altogether. While we support the opportunity for all parties to provide information to the board, we believe that a much simpler and streamlined approach could achieve that goal and lead to a fair decision sooner.
Reject: The CDE believes that the SBE is the final level of appeal and this timeline allows for a thorough review of all evidence presented.

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PAUL C. MINNEY – MIDDLETON, YOUNG & MINNEY, LLP

Original Comment and Response

Comment C6, Section 11965(d)(1) and (f)(2): Mr. Minney suggests adding “and reviewed” after “upon” and inserting “in an open public meeting” after “chartering authority.”
Reject: The CDE believes that the proposed regulations clearly define the Notice of Intent to Revoke as a written notice, which clarifies the statutory language. When a governing board of a school district or a county board of education acts on an item, it must do so in public meeting and properly noticed in accordance with the Brown Act, and as required by Education Code section 47608. The CDE believes that adding Mr.
Minney’s proposed comment would exceed the requirements of the Brown Act and Education Code section 47608.

**Amended Response:**

**Reject:** The CDE believes that the proposed regulations clearly define the Notice of Intent to Revoke and **Notice of Violation** as a written notices, which clarifies the statutory language. When a governing board of a school district or a county board of education acts on an item, it must do so in public meeting and properly noticed in accordance with the Brown Act, and as required by Education Code section 47608. The CDE believes that adding Mr. Minney’s proposed comment would exceed the requirements of the Brown Act and Education Code section 47608.

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**STEPHANIE MEDANO FARLAND – CALIFORNIA SCHOOL BOARDS ASSOCIATION**

**Original comment and Response**

**Comment, Section 11968.5.2(f):** Ms Farland writes that proposed section 11968.5.2(f) conflicts with existing Brown Act provisions that authorize the governing board to adopt reasonable regulations regarding the conduct of its meetings. She notes that the proposed section specifies public hearing requirements that go beyond the requirement in the Brown Act. She also notes that the additional requirements would be deemed a reimbursable state mandate.

**Reject:** The proposed section requires a chartering authority to provide the charter school with time equal to that of the chartering authority to present arguments and rebut arguments at any hearing related to charter revocation. This is necessary to ensure that a charter school has a reasonable opportunity to present its case before a chartering authority at the public hearing, and protects the due process interests of a charter school that is facing the possible revocation of its charter.

**Amended Response:**

**Accept:** The CDE revised section 11968.5.2(f) to remove the provision for equal time.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE THIRD 15-DAY COMMENT PERIOD OF JULY 22, 2011, THROUGH AUGUST 2, 2011, INCLUSIVE.**

The amended regulations were made available for public comment for 15 days from July 22, 2011, through August 2, 2011. Three written comment letters were received during that time. Pursuant to California Government Code sections 11346.9(a)(3) and (a)(5), the CDE has summarized and responded to the written comments as follows:
JUDY HIGELIN, CHARTER SCHOOL OFFICE, LOS ANGELES COUNTY OFFICE OF EDUCATION

Comment A1, Section 11969.2: Ms. Higelin provided a link to the court opinion referenced by Mr. Miller in support of the CDE response to his request to consider the pending legal challenge in the ‘Today’s Fresh Start vs. Los Angeles County Board of Education’ case.
Accept/Reject: The CDE appreciates Ms. Higelin’s comment.

SHERRY SKELLY GRIFFITH, ACSA

Comment B1, Section 11965(e)(4): Ms. Skelly Griffith expresses concern regarding the phrase “and where the charter school has made no reasonable attempt to remedy the condition or no remedy exists to cure the condition” in the definition of “a severe and imminent threat to pupil health or safety” as it may be interpreted to mean that a charter authorizer must demonstrate that the charter school has made no attempt to remedy. Ms. Skelly Griffith suggests that critical time may be lost by this definition and recommends striking the phrase out of the definition.
Reject: The CDE disagrees with Ms. Skelly Griffith’s argument as her revision would allow a chartering authority to immediately revoke a charter for threats that may be either ephemeral in nature or beyond the control of a charter school. For example, a natural disaster or accident could cause a temporary threat to the health and safety of pupils; however, if the charter school is making reasonable attempts to remedy the condition and ensure pupil safety, these types of events should not constitute grounds for revocation under this section of statute.

Comment B2, Section 11968.5.2(f): Ms. Skelly Griffith supports the CDE’s decision to delete the provision regarding fair and equal time for charter schools to present at local public hearings.
Accept: The CDE appreciates Ms. Skelly Griffith’s support.

Comment B3, Section 11968.5.3(c)(1): Ms. Skelly Griffith suggests deleting the phrase “except that the charter school shall not be responsible for providing these documents if they chartering authority did not provide them to the charter school as required by this section” from this section as the chartering authority is required to provide a notice; therefore, the charter school should be required to include it with its appeal.
Reject: The CDE rejects this recommendation as a charter school cannot be held responsible if a chartering authority failed to provide a document to the charter school. Without this provision, a district could prevent a charter school from appealing a decision by failing to provide written notice to the charter school.

Comment B4, Section 11968.5.3(f): Ms. Skelly Griffith states that there is no language in the definitions section that defines “procedural deficiency” and as such, the section should be struck or a definition be developed.
Reject: The CDE rejects this recommendation as it finds the definition of “procedural deficiency” to be frequently used and reasonably apparent.

BRIAN RIVAS, CSBA
Comment C1, Section 11968.5.3(c)(6): Mr. Rivas states that the proposed regulations place too much emphasis on review for procedural errors in the appeals process when pupil health and safety may be at risk and requests that subdivision (c)(6) be deleted to maintain the focus of an appellate review on factual findings rather than procedure. **Reject:** The CDE rejects this recommendation as this subdivision relates to the appeal process for charter schools that have been revoked. This provision in the appeal process would not hinder a chartering authority from immediately revoking a charter school due to a severe or imminent threat. If a charter school alleges that a procedural error has taken place, the school should have the right to present that allegation as part of its appeal to a county office. While a county office could consider such alleged procedural allegations, there is no reason to believe it could not focus its consideration on the factual findings if it saw fit to do so.

Comment C2, Section 11968.5.3(e): Mr. Rivas states that a public hearing is not required when a charter school has been revoked due to severe and imminent threat; therefore, “a public hearing” should be deleted from the list of things a county board shall consider in an appeal. **Reject:** The CDE agrees with Mr. Rivas and has amended the regulations accordingly.

Comment C3, Section 11968.5.3(f): Mr. Rivas recommends that subdivision (f) be deleted from the proposed regulations as this subdivision may be interpreted to require a charter authorizer to provide a charter school an opportunity to refute or remedy a condition before revocation and a charter authorizer must be able to act expediently. He adds that the definition of a severe an imminent threat should also be revised to delete the reference that “a charter school has made no reasonable attempt to remedy the condition or no remedy exists to cure the condition” as a charter school in this situation is not allowed an opportunity to refute or remedy. **Reject:** The CDE agrees with Mr. Rivas and has amended the regulations accordingly.

**COLIN MILLER, CALIFORNIA CHARTER SCHOOLS ASSOCIATION**

Comment D1, Section 11968.5.2: There appears to be an error and language was inadvertently left out of the last sentence after “except for charter revocation.” **Accept:** The CDE accepts Mr. Miller’s comment and has corrected the omission by adding “when the violation constitutes a severe and imminent threat to the health or safety of pupils” to the end of that sentence.

Comment D2, Section 11968.5.2(a): “School board” should be changed to “chartering authority” to be consistent with the rest of the regulations. **Accept:** The CDE accepts Mr. Miller’s comment and has made the revision suggested.

**AFTER THE THIRD 15-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A FOURTH 15-DAY COMMENT PERIOD.**

After the third 15-day comment period, the following changes were made to the proposed text of the regulations and sent out for a fourth 15-day comment period:
• Renumbering and/or re-lettering changes were made throughout the regulations to accommodate amendments and deletions;

These changes were made throughout the regulations for clarity and consistency.

SECTION 11968.5.2 is amended to correct an inadvertent error by adding “when the violation constitutes a severe and imminent threat to the health or safety of pupils” to the end of the last sentence. This is necessary to clarify the narrow set of circumstances to which these revocation procedures do not apply.

SECTION 11968.5.2(a) is amended to change “school board” to “chartering authority” to add consistency to the regulations.

SECTIONS 11968.5.3(c)(6) and (f) are deleted to correct its inadvertent insertion into the regulations. This deletion is necessary because there are no procedural difficulties which can impact a charter school’s ability to refute or remedy the alleged violation as the authorizer is permitted to immediately revoke without an opportunity to remedy or refute.

SECTION 11968.5.3(e) is amended to delete references to a public hearing and Final Decision. This is necessary because the requirements of Education Code section 47607(e) are not applicable to a revocation based on a severe and imminent threat as section 47607(e) is contingent upon a failure to remedy which is not afforded to a charter school under these circumstances.

ALTERNATIVES DETERMINATION

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.
• The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in strikeout.
• The 15-day text proposed to be added is in "**bold underline**", deleted text is displayed in "**bold strikeout**".
• The 2nd 15-day text proposed to be added is in "**bold double underline**"; deleted text is displayed in "**bold double strikethrough**".
• The 3rd 15-day text proposed to be added is in "**underlined and shaded**", deleted text is "**strikeout and shaded**."
• The 4th 15-day text proposed to be added is in "**underlined, shaded and bold**", deleted text is "**strikeout shaded and bold**." 

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 11. Special Programs
Subchapter 19. Charter Schools
Article 2. General Provisions

§11960. Regular Average Daily Attendance for Charter Schools.

... (c)(1) Beginning in 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school on fewer than 175 calendar days during that fiscal year.

(A) The pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program (IEP) or while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an individualized education program IEP consistent with the definition of satisfactory progress set forth in subdivision (b)(h) of §11965.

... 

§ 11965. Definitions.
For the purposes of this Articles 1, 2 and Article 2.5, the following definitions shall apply:

(a) "Chartering authority" means the entity that grants a school's charter and
includes the following:

(1) “County chartering authority” means a county board of education that has granted a school’s charter. In making specific the provisions of Education Code section 47607(g)(1), these regulations use the term “county chartering authority” where Education Code section 47607(g)(1) uses the term “county office of education.”

(2) “District chartering authority” means the governing board of a school district that has granted a school’s charter. In making specific the provisions of Education Code section 47607(f)(1), these regulations use the term “district chartering authority” where Education Code section 47607(f)(1) uses the term “school district.”

(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 to the State Board of Education” 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 entity noticing the SBE 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.

(e) “Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil
Health or Safety” means the written notice of a chartering authority’s decision to revoke
a school’s charter due to a severe and imminent threat to the health or safety of the
pupils. This notice shall identify all of the following:

(1) The location of the facility;
(2) The provisions of Education Code section 47607(c) that the charter school has
violated and a description of the emergency or urgent conditions that has have resulted
from this violation;
(3) A description of how the condition(s) identified in subdivision (2) severely and
imminently threatens the health or safety of pupils.
(4) For purposes of this article, “a severe and imminent threat to pupil health or
safety” occurs when a charter school’s structures, systems or practices are in a
condition that poses a severe and imminent threat to the health or safety of pupils while
at school, and where the charter school has made no reasonable attempt to remedy the
condition or no remedy exists to cure the condition.
(5) For purposes of this article, “a severe and imminent threat to pupil health or
safety” does not include any cosmetic or nonessential repairs or severe threats for
which the school has initiated corrective action and has removed the pupils from any
immediate danger.
(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.

(g)(a) “Private school” as that term is used in Education Code section 47602(b)
means a school that meets the requirement set forth in Education Code sections 48222
and 48223.

(h)(b) For each charter school, “satisfactory progress,” as that term is used in
Education Code section 47612, means uninterrupted progress (1) towards completion,
with passing grades, of the substance of the course of study that is required for
graduation from a non-charter comprehensive high school of the school district that
authorized the charter school’s charter, that the pupil has not yet completed, (2) at a
rate that is at least adequate to allow the pupil to successfully complete, through full-
time attendance, all of that uncompleted coursework within the aggregate amount of
time assigned by the chartering agency for the study of that particular quantity of
coursework within its standard academic schedule. If the chartering agency authority is
not a school district having at least one non-charter comprehensive high school, the
applicable high school graduation requirements and associated time assignments shall
be those for the comprehensive high school(s) of the largest unified school district, as
measured by average daily attendance, in the county or counties in which the charter
school operates.

For individuals with exceptional needs, as defined in Education Code section 56026,
“satisfactory progress,” as that term is used in Education Code section 47612, means
uninterrupted maintenance of progress towards meeting the goals and benchmarks or
short-term objectives specified in his or her individualized education program made
pursuant to U.S. Code, Title 20 U.S.C., Section 1414(d) until high school graduation requirements have been met, or until the pupil reaches an age at which special education services are no longer required by law.

(i) “School’s charter” is the document approved by the chartering authority, including any material revisions that have been approved by the chartering authority.

(j) “Statewide benefit charter” is a charter school authorized by the SBE to operate at multiple sites throughout the state pursuant to Education Code section 47605.8. In making specific the provisions of Education Code section 47605.8, these regulations use the term “statewide benefit charter” where Education Code section 47605.8 uses the term “state charter school.”

NOTE: Authority cited: Sections 33031, 47602(b) and 47612(b), Education Code. Reference: Sections 47602(b), 47604.5, 47605.8, 47607 and 47612(b), Education Code; and 20 U.S.C. Section 1414(d), Title 20, U.S. Code.

Article 2.5. Establishment and Revocation


(a) In accordance with subdivision (a) of section 47602 of the Education Code, the California Department of Education (CDE), on behalf of the State Board of Education (SBE), shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of a complete charter petition and notification of charter approval by a local educational agency (LEA) or, in the case of a charter petition approved by the State Board of Education (SBE), the date and time of the State Board’s SBE’s approval.

(b) When the State Board of Education (SBE) approves a charter petition or receives notice that a charter petition has been approved by a local education agency (LEA), the State Board of Education (SBE) shall assign a number to that charter petition in accordance with section 47602(a)(1) of the Education Code.


§ 11968.5.1. Revocation of, or Other Action Related to, a Charter by the State...
Board of Education Upon Recommendation by the State Superintendent of Public Instruction Pursuant to Education Code sections 47604.5(a) and (b).

(a) Prior to making a recommendation to the SBE under Education Code sections 47604.5(a) and (b), the SSPI shall deliver a written notice to the charter school’s governing body as described in the school’s charter board or governing entity, the SBE charter liaison(s) and the SBE Executive Director, as described in the school’s charter which identifies one or more specific alleged violations by the charter school based on the grounds specified in Education Code sections 47604.5(a) and (b).

This notice shall identify all of the following:

1. The charter school’s alleged gross financial mismanagement that jeopardizes the financial stability of the charter school pursuant to Education Code section 47604.5(a); or the charter school’s alleged illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school pursuant to Education Code section 47604.5(b);

2. All evidence relied upon by the SSPI in determining the charter school engaged in any of the acts or omissions identified in subdivision (a)(1); and

3. The period of time that will serve as the opportunity to remedy or refute the identified violation(s) by the charter school’s governing body as board or governing entity described in the school’s charter.

(b) Upon receipt of a written notice, the charter school’s governing body as board or governing entity described in the school’s charter, if it chooses to respond, shall take the following actions:

1. Submit to the SSPI a detailed, written response to each identified violation which shall include the refutation or remedial action taken by the charter school’s governing body as board or governing entity described in the school’s charter, specific to each identified violation. The written response shall be due by the end of the remedy period identified in the written notice.

2. Attach to its written response, supporting evidence of remedial action, if any, including written reports, statements, and other appropriate documentation.

(c) After conclusion of the remedy period, the SSPI shall evaluate the response of the charter school’s board or the governing entity body as described in the school’s
charter, if submitted, and shall take one of the following actions:

1. Make a recommendation to the SBE to take appropriate action, including but not limited to, revocation of the school’s charter, and provide timely written notice of such action within 30 calendar days to the charter school’s governing body as board or governing entity described in the school’s charter; or

2. Discontinue action and provide written notice of such action to the charter school’s governing body as board or the governing entity described in the school’s charter within 10 calendar days.

(d) In making a recommendation to the SBE to take appropriate action, including but not limited to, revocation of the school’s charter, the SSPI shall present written findings to the SBE at the next regularly scheduled board meeting.


§ 11969.1. 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.

(a) At least 72 hours prior to any board meeting in which a school board chartering authority will consider issuing a Notice of Violation, the charter authorizer shall provide the charter school with notice and all relevant documents related to the proposed action.

(b)(a) The chartering authority shall deliver a Notice of Violation to the charter school’s governing body as board or governing entity described in the school’s charter.

(c)(b) Upon receipt of a Notice of Violation, the charter school’s governing body board or governing entity 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, or 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, or remedial
action, or proposed remedial action, if any, including written reports, statements, and
other appropriate documentation.

(d)(e) After conclusion of the reasonable opportunity to remedy, the chartering
authority shall evaluate the response of the charter school’s governing body as board
or governing entity 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 board or governing
entity 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 board or governing entity
described in the school’s charter.

(e)(d) If the chartering authority does not act, as specified in subdivision (d)(e),
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)(e) 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. At any hearing
concerning the revocation of a charter school, the charter school shall be allowed equal
time to present and rebut prior to the close of the hearing.

(g)(f) 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)(g) If the chartering authority does not act to issue a Final Decision within the timeframe specified in subdivision (f)(e), the revocation process is terminated and the Notice of Intent to Revoke is void.


§ 11968.5.3 11969.2. Charter Revocation When There is a Severe and Imminent Threat to the Health or Safety of Pupils and Appeal of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to a County Board of Education and the State Board of Education.

This section sets forth procedures the chartering authority shall complete for the revocation of a school’s charter when the chartering authority has determined that any violation under Education Code section 47607(c) constitutes a severe and imminent threat to the health or safety of pupils and the procedures that a charter school and county office of education and SBE must follow if the charter school elects to appeal a chartering authority’s Final Decision to revoke the school’s charter.

(a) If there is a severe and imminent threat to pupil health or safety, the chartering authority is exempt from the requirements of section 11969.4 11968.5.2 and may immediately revoke the school’s charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school’s governing body as board or governing entity described in the school’s charter, the county board of education (unless the county board of education is also the chartering authority), and the CDE.

(b) Following the approval and delivery of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety by the chartering authority LEA local educational agency, the charter school’s governing body as described in the school’s charter may appeal to the county board of education or the SBE, as applicable, pursuant to Education Code sections 47607(f) and (g) and sections 11968.5.4, 11968.5.5 11969.3, 11969.4 and 11968.5.6 11969.5.
(c) In an appeal to a county board of education, within 30 calendar days of receipt of a Final Decision revoking the school’s charter, the charter school’s governing body as described in the school’s charter shall approve and deliver a written Notice of Appeal to the county board of education that:

1. includes a copy of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety issued pursuant to this article except that the charter school shall not be responsible for providing these documents if the chartering authority did not provide them to the charter school as required in this section;

2. includes evidence of the final vote of the chartering authority, if available;

3. includes all evidence relied upon by the chartering authority in determining that a violation of section 11965(e) existed;

4. includes minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school’s charter, if available;

5. includes a written statement explaining why the charter school does not believe the district chartering authority’s factual findings are supported by substantial evidence; and

6. identifies any procedural omissions or errors the charter school alleges to have occurred in the revocation process.

(d) If the county board of education does not issue a written decision that explains whether, in the county board of education’s judgment, the district chartering authority’s factual findings are supported by substantial evidence within 90 calendar days of receiving a Notice of Appeal that includes the documents listed in subdivision (c) of this section, the district chartering authority’s decision is upheld, pending any further appeal.

(e) In determining whether the district chartering authority’s factual findings are supported by substantial evidence, the county board of education shall consider whether the district chartering authority provided the charter school’s governing body as described in the school’s charter a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, a public hearing, and Final Decision pursuant to Articles 2 and 2.5 and Education Code sections 47607(c) and (d) through (e), inclusive.

(f) The county board of education shall also consider whether an alleged
procedural deficiency by the chartering authority negatively impacted the charter school’s ability to refute or remedy the alleged violation.

(f)(g) The county board of education shall provide the CDE and the chartering authority a copy of its written decision within 10 calendar days of its action.

(g)(h) If the district chartering authority or the school’s governing body as described in the school’s charter elects to appeal to the SBE, the appellant shall approve and deliver a written Notice of Appeal to the SBE within 30 calendar days following the final decision by the county board of education, or within 30 calendar days upon the expiration of 90 calendar days pursuant to section 11968.5.4(b), or within 30 calendar days of a county chartering authority’s Final Decision.

(h)(i) The appellant shall, at the same time it delivers a Notice of Appeal to the SBE, deliver to the SBE the following documents that shall be individually and sequentially numbered, one number per page, and be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE:

1. copies of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, the Final Decision, and the Notice of Appeal delivered to the county board of education, and the county board of education’s written decision, as applicable;

2. evidence of the final vote of the chartering authority, if available;

3. evidence relied upon by the chartering authority in determining that a violation of section 11965(e) existed; and

4. minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school’s charter, if available.

(i)(j) At the same time the appellant submits its Notice of Appeal to the SBE, the appellant shall also submit to the SBE a written argument in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:

1. a summary of the procedural and substantive facts limited to matters in the record;

2. a summary of the arguments in support of the appellant’s position that the
chartering authority and/or the county board of education erred in its decision; and
(3) specific citations to the administrative record in support of each argument presented.

(j)(k) If the respondent chooses to submit a written opposition to the SBE, it must do
so within 30 calendar days of the delivery of the appellant’s written argument to the
SBE. This written argument shall be in the form of a brief or letter that shall be
individually and sequentially numbered, one number per page; be delivered to the
respondent within five calendar days of delivery to the SBE; and contain the following:
(1) a summary of the procedural and substantive facts limited to matters in the
record as submitted to the chartering authority and the county board of education, as
appropriate;
(2) a summary of the arguments in support of the respondent’s position that the
chartering authority and/or the county board of education did not err in its decision; and
(3) specific citations to the administrative record in support of each argument presented.

(k)(l) Within 15 calendar days of the delivery of the respondent’s written argument to
the SBE, the appellant may submit to the SBE a written reply to the respondent’s written
argument in the form of a brief or letter. If submitted, this written argument shall be
individually and sequentially numbered, one number per page; be delivered to the
respondent within five calendar days of delivery to the SBE; and contain the following:
(1) a summary of the arguments refuting the arguments raised in the respondent’s
opposition; and
(2) specific citations to the administrative record in support of each argument presented.

(l)(m) If the SBE does not take action within 120 calendar days of receipt of the
appellant’s written argument, if submitted pursuant to subdivision (j); or within 150 days
of receipt of the respondent’s written opposition, if submitted pursuant to subdivision (k);
or within 165 days of receipt of the appellant’s written reply, if submitted pursuant to
subdivision (l); whichever is later, the appellant is deemed to have exhausted its
administrative remedies.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 47604.32
§ 11968.5.4 11969.3. Appeal of a District Charter Revocation to a County Board of Education.

This section establishes the procedures that a charter school and county office of education must follow if the charter school elects to appeal to a county board of education a district chartering authority’s Final Decision to revoke the school’s charter.

(a) Within 30 calendar days of receipt of a Final Decision revoking the school’s charter, the charter school’s governing body as board or governing entity described in the school’s charter, shall approve and deliver a written Notice of Appeal to the county board of education that:

(1) Includes a copy of the Notice of Violation, Notice of Intent to Revoke and the Final Decision issued pursuant to this article except that the charter school shall not be responsible for providing these documents if the chartering authority did not provide them to the charter school as required in section 11969.1.

(2) Includes evidence of the final vote of the chartering authority, if available;

(3) Includes all evidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation;

(4) Includes all evidence and correspondence submitted by the charter school’s governing body as board or governing entity described in the school’s charter in response to the chartering authority’s Notice of Violation and Notice of Intent to Revoke;

(5) Includes minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school’s charter, if available;

(6) Includes a written statement explaining why the charter school does not believe the district chartering authority’s factual findings are supported by substantial evidence; and

(7) Identifies any procedural omissions or errors the charter school alleges to have occurred in the revocation process.

(b) If the county board of education does not issue a written decision that explains whether, in the county board of education’s judgment, the district chartering authority’s
factual findings are supported by substantial evidence within 90 calendar days of receiving a complete Notice of Appeal to the county board of education that includes the documents listed in subdivision(a) of this section, the district chartering authority’s decision is upheld, pending any further appeal.

1. In determining whether the district chartering authority’s factual findings are supported by substantial evidence, the county board of education shall consider whether the district chartering authority provided the charter school’s governing body as board or governing entity described in the school’s charter a Notice of Violation, a reasonable opportunity to remedy the identified violation(s), a Notice of Intent to Revoke, a public hearing, and Final Decision, pursuant to Articles 2 and 2.5 and Education Code sections 47607(c) through (e), inclusive.

2. If the charter school submits a response to the Notice of Violation pursuant to section 11969.4 11968.5.2(b)(c), the county board of education shall, in determining whether the district chartering authority’s factual findings are supported by substantial evidence, consider whether the charter school complied with the procedures set forth in that section.

3. The county board of education shall also consider whether an alleged procedural deficiency negatively impacted the charter school’s ability to refute or remedy the alleged violation or the chartering authority’s ability to comply with its procedural obligations or authorizing duties.

(c) The county board of education shall provide the CDE and the chartering authority a copy of its written decision within 10 calendar days of approving its action.


§ 11968.5.5 11969.4. Appeal of Charter Revocation to the State Board of Education and Submission of the Administrative Record.

(a) If the district chartering authority or the charter school’s governing body as board or governing entity described in the school’s charter elects to appeal to the SBE, the appellant shall approve and deliver a written Notice of Appeal to the State Board of Education to the SBE within 30 calendar days of receiving a written decision
by the county board of education, upon the expiration of 90 calendar days pursuant to section 11969.3 11968.5.4(b), or a county chartering authority's Final Decision.

(b) The appellant shall, at the same time it delivers a Notice of Appeal to the State Board of Education SBE, deliver to the SBE the following information documents that shall be individually and sequentially numbered, one number per page, and be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE:

1. The appellant’s Notice of Appeal to the State Board of Education SBE, which shall include copies of the Notice of Violation, Notice of Intent to Revoke, the Final Decision, the Notice of Appeal, and the county board of education’s written decision, as applicable;
2. Evidence of the final vote of the chartering authority if available;
3. Evidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to refute to the chartering authority’s satisfaction or remedy one or more violations identified in the Notice(s) of Violation;
4. Evidence and correspondence submitted by the charter school’s governing body as board or governing entity described in the school’s charter in response to the chartering authority’s Notice of Violation and Notice of Intent to Revoke; and
5. Minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school’s charter if available.
6. These documents should be individually and sequentially numbered, one number per page.
7. Assurance that all of the preceding documentation will be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE.

(c) Within 30 calendar days of submitting At the same time the appellant submits its Notice of Appeal to the State Board of Education SBE, the appellant shall also submit to the SBE a written argument in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:
This written argument shall:

(1) contain a summary of the procedural and substantive facts limited to matters in the record;

(2) contain a summary of the arguments in support of the appellant’s position that the chartering authority and/or the county board of education erred in its decision; and

(3) contain specific citations to the administrative record in support of each argument presented;

(4) be individually and sequentially numbered, one number per page; and

(5) be delivered to the respondent within five calendar days of delivery to the SBE.

(d) If the respondent chooses to submit a written opposition to the SBE, it must do so within 30 calendar days of the delivery of the appellant’s written argument to the SBE. This written opposition shall be in the form of a brief or letter and that shall be individually and sequentially numbered, one number per page; be delivered to the appellant within five calendar days of delivery to the SBE; and contain the following:

(1) contain a summary of the procedural and substantive facts limited to matters in the record as submitted to the chartering authority and the county board of education, as appropriate;

(2) contain a summary of the arguments in support of the respondent’s position that the chartering authority and/or the county board of education did not err in its decision; and

(3) contain specific citations to the administrative record in support of each argument presented;

(4) be individually and sequentially numbered, one number per page; and

(5) be delivered to the respondent within five calendar days of delivery to the SBE.

(e) Within 15 calendar days of the delivery of the respondent’s written argument to the SBE, the appellant may submit to the SBE a written reply to the respondent’s written argument in the form of a brief or letter. If submitted, this written argument shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:

(1) contain a summary of the arguments refuting the arguments raised in respondent’s opposition; and
(2) contain specific citations to the administrative record in support of each argument presented;

(3) be individually and sequentially numbered, one number per page; and

(4) be delivered to the appellant within five calendar days of delivery to the SBE.

(f) If the SBE does not take action within 120 calendar days of following the receipt of the appellant’s written argument, if submitted pursuant to subdivision (c); or within 150 days of following the receipt of the respondent’s written opposition, if submitted pursuant to subdivision (d); or within 165 days of following the receipt of the appellant’s written reply, if submitted pursuant to subdivision (e); whichever is later, the appellant is deemed to have exhausted its administrative remedies.


§ 11969.1 11969.10. Purpose and Stipulation.

(a) This article governs provision of facilities by school districts to charter schools under Education Code section 47614.

(b) If a charter school and a school district mutually agree to an alternative to specific compliance with any of the provisions of this article, nothing in this article shall prohibit implementation of that alternative, including, for example, funding in lieu of facilities in an amount commensurate with local rental or lease costs for facilities reasonably equivalent to facilities of the district.

8-5-11 [California Department of Education]
In re: Board of Education

REGULATORY ACTION

Regulatory Action: Title 5 California Code of Regulations

Adopt sections: 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5

Amend sections: 11965, 11969 (renumbered 11968.1), 11969.1, 11969.2 (renumbered 11969.11), 11969.3 (renumbered 11969.12), 11969.4 (renumbered 11969.13), 11969.5 (renumbered 11969.14), 11969.6 (renumbered 11969.15), 11969.7 (renumbered 11969.16), 11969.8 (renumbered 11969.17), 11969.9 (renumbered 11969.18), 11969.10 (renumbered 11969.19), and 11969.11 (renumbered 11969.20)

Government Code Section 11349.3

OAL File No. 2011-0210-03 S

SUMMARY OF REGULATORY ACTION

In this regulatory action, the State Board of Education (SBE) proposed to adopt and amend regulations pertaining to “Charter Revocation and Revocation Appeals.” The SBE implements provisions of Education Code section 47607 which pertain to the procedures and requirements for the revocation of a charter school’s charter and the appeal rights applicable to charter school revocation actions. Included in this regulatory action are regulations pertaining to (1) the procedures generally applicable when a chartering authority considers the revocation of a charter school’s charter, (2) the procedures applicable when a chartering authority revokes a charter school’s charter upon a determination that a violation under Education Code section 47607(c)
Decision of Disapproval
OAL File No. 2011-0210-03

constitutes a severe and imminent threat to the health or safety of pupils, (3) the procedures for an appeal to a county board of education when a district chartering authority revokes a charter school’s charter, and (4) the procedures for an appeal to the SBE of charter school revocation-related decisions. In addition to these regulations, this regulatory action also proposed to include a regulation implementing Education Code section 47604.5, setting forth procedures applicable when the State Superintendent of Public Instruction considers making a recommendation to the SBE for charter revocation or for other action involving a charter school where there have been one or more alleged violations under Education Code sections 47604.5(a) or 47604.5(b).

DECISION

On March 25, 2011, the Office of Administrative Law (OAL) notified the SBE of the disapproval of this regulatory action. The reasons for the disapproval were the following: (1) failure to comply with the “Clarity” standard of Government Code section 11349.1, (2) failure to adequately summarize and respond to all of the public comments received regarding the proposed action, (3) documents in the rulemaking file which are defective, and (4) failure to comply with all required Administrative Procedure Act procedures.

DISCUSSION

Regulations adopted by the SBE must generally be adopted pursuant to the rulemaking provisions of the California Administrative Procedure Act (APA), Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code (Gov. Code, secs. 11340 through 11365). Any regulatory action a state agency adopts through the exercise of quasi-legislative power delegated to the agency by statute is subject to the requirements of the APA, unless a statute expressly exempts or excludes the regulation from compliance with the APA (Gov. Code, sec. 11346). No exemption or exclusion applies to the regulatory action here under review. Consequently, before these regulations may become effective, the regulations and rulemaking record must be reviewed by OAL for compliance with the substantive standards and procedural requirements of the APA, in accordance with Government Code section 11349.1.

A. CLARITY

OAL must review regulations for compliance with the “Clarity” standard of the APA, as required by Government Code section 11349.1. Government Code section 11349, subdivision (c), defines “Clarity” as meaning “written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them.”

The “Clarity” standard is further defined in section 16 of title 1 of the California Code of Regulations (CCR), OAL’s regulation on “Clarity,” which provides the following:

In examining a regulation for compliance with the “clarity” requirement of Government Code section 11349.1, OAL shall apply the following standards and presumptions:
(a) A regulation shall be presumed not to comply with the “clarity” standard if any of the following conditions exists:
   (1) the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning; or
   (2) the language of the regulation conflicts with the agency’s description of the effect of the regulation; or
   (3) the regulation uses terms which do not have meanings generally familiar to those “directly affected” by the regulation, and those terms are defined neither in the regulation nor in the governing statute; or
   (4) the regulation uses language incorrectly. This includes, but is not limited to, incorrect spelling, grammar or punctuation; or
   (5) the regulation presents information in a format that is not readily understandable by persons “directly affected;” or
   (6) the regulation does not use citation styles which clearly identify published material cited in the regulation.

(b) Persons shall be presumed to be “directly affected” if they:
   (1) are legally required to comply with the regulation; or
   (2) are legally required to enforce the regulation; or
   (3) derive from the enforcement of the regulation a benefit that is not common to the public in general; or
   (4) incur from the enforcement of the regulation a detriment that is not common to the public in general.

In this charter revocation and revocation appeals rulemaking, a number of provisions of the proposed regulations fail to comply with the “Clarity” standard. Examples of the “Clarity” problems are set forth below. Additional “Clarity” concerns (such as minor wording and grammar problems) have been discussed with SBE staff and will also need to be corrected in any resubmission of this rulemaking.

1. Regulation sections 11968.5.3, 11968.5.4, and 11968.5.5 – As detailed below, the proposed regulations raise significant “Clarity” concerns with regard to appeals of charter revocation actions under section 11968.5.3 and how the appeal procedures set forth in sections 11968.5.4 (appeal to a county board of education) and 11968.5.5 (appeal to the SBE) would be applied in section 11968.5.3 appeals.

Section 11968.5.3, “Charter Revocation When There is a Severe and Imminent Threat to the Health or Safety of Pupils,” provides for an exemption from the generally applicable procedures for charter revocation by a chartering authority (which are in section 11968.5.2) when the chartering authority has determined that any violation under Education Code 47607(c) constitutes a severe and imminent threat to the health or safety of pupils. Under section 11968.5.3, a chartering authority may immediately revoke a charter school’s charter by means of a “Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety.” Section 11968.5.3(b) then sets forth appeal rights as follows: “Following the approval and delivery of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety by the [local educational agency], the charter school may appeal to the
county board of education or the SBE, as applicable, pursuant to Education Code sections 47607(f) and (g) and sections 11968.5.4, 11968.5.5, and 11968.5.6.”

The proposed reference in section 11968.5.3(b) to appeal rights in section 11968.5.6 does not make sense (and would be confusing), as there is no section 11968.5.6 in either existing SBE regulations or proposed in this rulemaking.

The proposed references in section 11968.5.3(b) to sections 11968.5.4, “Appeal of District Charter Revocation to a County Board of Education,” and 11968.5.5, “Appeal of a Charter Revocation to the State Board of Education and Submission of the Administrative Record,” also raise “Clarity” concerns. The standards and requirements which would be applicable to a section 11968.5.3 appeal are not clear upon examining the specific provisions in those two appeal regulations. Sections 11968.5.4 and 11968.5.5 may have been written with the assumption of an appeal of a revocation action under Section 11968.5.2, “Charter Revocation,” (essentially the generally applicable procedures for charter revocation), and without much consideration of an appeal of a revocation action under section 11968.5.3.

For example, section 11968.5.4(a)(1) provides that the charter school filing an appeal shall include with its Notice of Appeal “a copy of the Notice of Violation, Notice of Intent to Revoke and the Final Decision issued pursuant to this article except that the charter school shall not be responsible for providing these documents if the chartering authority did not provide [them] to the charter school as required in section 11968.5.2.” Sections 11968.5.4(a)(3) and (a)(4) require the charter school filing an appeal to include “all evidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation” and “all evidence and correspondence submitted by the charter school’s governing body as described in the school’s charter in response to the chartering authority’s Notice of Violation and Notice of Intent to Revoke.” Similarly, section 11968.5.5(b)(1) refers to an entity appealing to the SBE providing the Notice of Violation, Notice of Intent to Revoke and Final Decision. Sections 11968.5.5(b)(3) and (b)(4) require the appealing entity to submit “[e]vidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to refute to the chartering authority’s satisfaction or remedy one or more violations identified in the Notice(s) of Violation” and “[e]vidence and correspondence submitted to the charter school’s governing body as described in the school’s charter in response to the chartering authority’s Notice of Violation and Notice of Intent to Revoke.” The Notice of Violation, Notice of Intent to Revoke, and the Final Decision are documents which are referenced as part of the revocation process in section 11968.5.2 but which are not referenced as part of the revocation process in section 11968.5.3. The document issued under the terms of section 11968.5.3, which is the “Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety,” is not mentioned in either section 11968.5.4 or 11968.5.5 as being part of the required administrative record to be provided by the appealing party.

Other provisions of section 11968.5.4 raise “Clarity” concerns with respect to how they relate or apply to an appeal of a revocation action under section 11968.5.3. For example, section 11968.5.4(b)(1) provides as a standard for county board of education review the following: “In determining whether the district chartering authority’s factual findings are supported by
substantial evidence, the county board of education shall consider whether the district chartering authority provided the charter school’s governing body as described in the school’s charter a Notice of Violation, a reasonable opportunity to remedy the identified violation(s), a Notice of Intent to Revoke, a public hearing, and Final Decision, pursuant to Articles 2 and 2.5 and Education Code sections 47607(c) through (e).” However, this review standard is confusing in relation to an appeal of a revocation action under section 11968.5.3 since section 11968.5.3 does not provide for a Notice of Violation, a Notice of Intent to Revoke, a Final Decision, or a reasonable opportunity to remedy the identified violation(s).

As discussed in greater detail below under “Summary and Response to Public Comments,” a public commenter in this rulemaking (Colin A. Miller, on behalf of the California Charter Schools Association) raised some of these “Clarity” concerns. Mr. Miller’s comments included the following: “We suggest adding language [to sections 11968.5.4 and 11968.5.5] to clarify what happens in the situation in which the charter school was revoked for a ‘severe and imminent threat to the health or safety of its pupils.’ The process for revoking a school under that provision has different standards and steps that apply, so the record will look different for schools that are appealing under this circumstance....”

In summary, if section 11968.5.3(b) is to provide for appeal rights pursuant to sections 11968.5.4 and 11968.5.5, sections 11968.5.4 and 11968.5.5 require greater clarity with respect to the appeal requirements and standards for an appeal of a revocation action under section 11968.5.3.

2. Regulation sections 11965 and 11960 – Section 11965 is an existing “Definitions” regulation within the body of charter school regulations, containing definitions of terms used in the “Subchapter 19. Charter Schools” regulations. In its existing form, the section 11965 definitions appear to have applicability throughout Subchapter 19, as there is no limiting language at the beginning of or within this section, and section 11965 is in Article 2 “General Provisions” within Subchapter 19.

As part of this rulemaking, the SBE is adding to section 11965 many new definitions of terms that are used in the proposed charter revocation and revocation appeals regulations. In amending regulation section 11965, the SBE has added new limiting language at the beginning of this regulation which reads: “For the purposes of this Article and Article 2.5, the following definitions shall apply.” This new language has the effect of limiting the scope of coverage of the definitions to only those regulations within Articles 2 and 2.5 of Subchapter 19.

The addition of this limiting language at the beginning of section 11965 raises a “Clarity” problem. One of the existing definitions within section 11965 is the definition of the term “satisfactory progress.” Besides the use of this “satisfactory progress” definition within Article 2, the definition is also used within existing Article 1 of Subchapter 19 in regulation section 11960. Section 11960(c)(1)(A) contains multiple references to the defined term “satisfactory progress.” Consequently, the addition in section 11965 of the limiting language “For the purposes of this Article [2] and Article 2.5, the following definitions shall apply” has the effect of making a pertinent definition no longer applicable to Article 1, section 11960. The definition of “satisfactory progress” needs to continue to apply to Article 1, section 11960 in order to maintain the clarity of that regulation.
Furthermore, section 11960(c)(1)(A) includes a specific cross-reference to the definition of “satisfactory progress” in section 11965. Section 11960(c)(1)(A) refers to pupils making satisfactory progress “consistent with the definition of satisfactory progress set forth in subdivision (b) of Section 11965.” As part of the proposed amendments to section 11965, the “satisfactory progress” definition is being re-lettered to be subdivision (h) of section 11965. Consequently, the cross-reference in section 11960(c)(1)(A) needs to be updated to reflect the new lettering of the definition of “satisfactory progress.”

3. Regulation sections 11968.5.1(c), 11968.5.2 (first sentence), and 11968.5.2(a) – Throughout the proposed regulations in their final form, the SBE has generally used the phrase “charter school’s governing body as described in the school’s charter” to refer to the governing body of a charter school (changes were specifically made during the first 15-day notice period to utilize this phrase in the body of regulations). However, in section 11968.5.1(c), the regulation text continues to instead refer to “the charter school board or the governing entity described in the school’s charter.” Similarly, section 11968.5.2 (first sentence) instead refers to “the charter school’s governing board.” The use of this alternative language in sections 11968.5.1(c) and 11968.5.2 (first sentence) is confusing because it is internally inconsistent with the terminology used elsewhere in the charter revocation and revocation appeals regulations.

A similar type of problem relates to the use of the term “charter authorizer” in section 11968.5.2(a). Throughout these regulations, the SBE has used the term “chartering authority” to refer to the entity that grants a school’s charter, and, in fact, that term is specifically defined in proposed regulation section 11965(a). However, section 11968.5.2(a), instead of using the defined term “chartering authority,” uses the term “charter authorizer.” The “Clarity” of section 11968.5.2(a) would be improved by utilizing the defined term.

4. Regulation section 11968.5.4(b)(2) – As discussed above, section 11968.5.4 provides for charter school appeals to a county board of education when a charter has been revoked by a district chartering authority. Section 11968.5.4(b)(2) states: “If the charter school submits a response to the Notice of Violation pursuant to section 11968.5.2(b), the county board of education shall, in determining whether the district chartering authority’s factual findings are supported by substantial evidence, consider whether the charter school complied with the procedures set forth in that section.” (Emphasis added.) The referenced “section 11968.5.2(b)” does not make sense because section 11968.5.2(b) does not include any provisions regarding a charter school submitting a response to a Notice of Violation. Section 11968.5.2(c) does contain provisions regarding a charter school submitting a response to a Notice of Violation, and it is likely that the SBE intended to refer to that subsection.

5. Regulation section 11968.5.5(a) – As discussed above, section 11968.5.5 provides for appeals to the SBE. Section 11968.5.5(a) states: “If the district chartering authority or the charter school’s governing body as described in the school’s charter elects to appeal to the SBE, the appellant shall approve and deliver a written Notice of Appeal to the SBE within 30 calendar days of receiving a written decision by the county board of education, upon the expiration of 90 calendar days pursuant to section 11968.5.4(b), or a county chartering authority’s Final Decision.” (Emphasis added).
The language underlined above is subject to multiple interpretations and is not easy to understand. For appeals “upon the expiration of 90 calendar days pursuant to section 11968.5.4(b),” does SBE mean that the Notice of Appeal must be delivered to the SBE at the time of the expiration of 90 calendar days, or does SBE intend to allow for a 30 calendar day period for the Notice of Appeal after the expiration of 90 calendar days and therefore essentially mean “within 30 calendar days after the expiration of the 90 calendar day period referenced in section 11968.5.4(b)”?

For appeals of “a county chartering authority’s Final Decision,” does SBE mean that the Notice of Appeal must be delivered to the SBE “within 30 calendar days of receiving a county chartering authority’s Final Decision” or does SBE have an alternative meaning? It is important that Section 11968.5.5(a) be clear since a failure to meet the required time periods for an appeal to the SBE could have a significant impact on a “directly affected” appealing party.

6. Regulation sections 11968.5.5(b) and (b)(1) – In relation to an appeal to the SBE, the opening language of section 11968.5.5(b) and section 11968.5.5(b)(1) provide the following: “(b) The appellant shall, at the same time it delivers a Notice of Appeal to the SBE, deliver to the SBE the following information: (1) The appellant’s Notice of Appeal to the SBE, which shall include copies of the Notice of Violation, Notice of Intent to Revoke, the Final Decision, the Notice of Appeal, and the county board of education’s written decision, as applicable.” (Emphasis added.)

The several references to “Notice of Appeal” are confusing in this context. SBE appears in this language to be requiring the “Notice of Appeal to the SBE” twice (the written Notice of Appeal to the SBE is already required under section 11968.5.5(a) immediately above these provisions). In addition, the final reference to “the Notice of Appeal” is somewhat confusing given the multiple references to this term. SBE probably intended this final reference to mean “the Notice of Appeal to the county board of education,” but that needs to be clarified.

7. Regulation section 11968.5.5(b)(6) – In relation to an appeal to the SBE, one of the document submission requirements for an appellant is set forth in section 11968.5.5(b)(6) as follows: “These documents should be individually and sequentially numbered, one number per page.” The use of the word “should” in the context of a regulation may in some instances raise “Clarity” concerns with regard to whether a regulatory provision is mandatory requirement or a non-mandatory recommendation. In the case of section 11968.5.5(b)(6), the use of “should” leaves some uncertainty as to whether an appellant would be non-compliant with appeal submission requirements (and therefore subject to having the appeal rejected) if the appellant submitted documents which were not individually and sequentially numbered, one number per page. The use of the word “should” needs to be avoided in this context. Assuming that the intent here is that the requirements of section 11968.5.5(b)(6) be mandatory, the word “shall” would be appropriate instead of the word “should.” We note that similar requirements pertaining to documents being “individually and sequentially numbered, one number per page” appear to be mandatory in sections 11968.5.5(c)(4), 11968.5.5(d)(4), and 11968.5.5(e)(3) which follow.

8. Regulation sections 11968.5.5(e) and (e)(4) – In relation to an appeal to the SBE, the opening language of section 11968.5.5(e) and section 11968.5.5(e)(4) provide the following: “(e) Within 15 calendar days of the delivery of the respondent’s written argument to the SBE, the appellant may submit to the SBE a written reply to the respondent’s written argument in the form of a brief
or letter. If submitted, this written argument shall: . . . (4) be delivered to the appellant within five calendar days of delivery to the SBE.” (Emphasis added.) These provisions are confusing, in that the appellant submitting a written reply to the SBE is required to deliver a copy of the reply to the appellant. It is unlikely that the appellant is required to deliver a copy to itself. Perhaps section 11968.5.5(e)(4) is intended to read: “(4) be delivered to the respondent within five calendar days of delivery to the SBE.”

Conclusion: The “Clarity” problems discussed above and all other “clarity” problems which have been discussed with SBE staff must be resolved before the regulations can be approved by OAL.

B. SUMMARY AND RESPONSE TO PUBLIC COMMENTS

Government Code section 11346.9, subdivision (a), provides that an agency proposing regulations shall prepare and submit to OAL a “final statement of reasons.” One of the required contents of the final statement of reasons is a summary and response to public comments. Specifically, Government Code section 11346.9, subdivision (a)(3), requires that the final statement of reasons include:

A summary of each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency’s proposed action or to the procedures followed by the agency in proposing or adopting the action . . . .

In this charter revocation and revocation appeals rulemaking, the SBE received a total of six public comment letters during the 45-day public comment period and two 15-day public comment periods. Some of those comment letters included a large number of individual public comments. The SBE adequately summarized and responded to many of the public comments which were received. However, a detailed review of the final statement of reasons and of the public comments indicates that (1) a number of public comments did not receive a summary and response, and (2) some public comments were summarized and responded to, but the summary and response contained errors, was incomplete, or was otherwise not fully responsive to the comments received. Examples of the problems with summary and response to public comments are set forth below.

1. Comments of Colin A. Miller -- Colin A. Miller, on behalf of the California Charter Schools Association, submitted extensive comments regarding the proposed charter revocation and revocation appeals regulations in a letter dated July 6, 2010. These comments were submitted in connection with the 45-day public comment period. Summary and response problems include the following:

Mr. Miller commented that with respect to regulatory language explaining “a severe and imminent threat to pupil health or safety” in section 11965(e)(4), “[i]nclusion of ‘severe’ is necessary to more closely align with the statutory language.” See pages 33 and 40 of the
Mr. Miller commented with respect to regulation section 11968.5.1, which pertains to State Superintendent of Public Instruction recommended revocations or other actions under Education Code sections 47604.5(a) and 47604.5(b): “We suggest addition of the ‘chartering authority’ to assure all affected parties are notified.” See page 34 of the rulemaking record. Related to this comment, in the annotated regulation text attached as part of the comments, the commenter shows the addition of “chartering authority” four places within section 11968.5.1, thereby effectively granting the chartering authority notice and response rights in the event of a potential State Superintendent of Public Instruction recommendation to the SBE for revocation or other action under Education Code section 47604.5(a) or section 47604.5(b). See pages 43 and 44 of the rulemaking record. The SBE responds to each of these comments on pages 3 and 4 of the final statement of reasons with the response: “… [T]his exceeds the requirements for revocation set forth in Education Code section 47607.” These responses, relying upon Education Code section 47607, are not meaningful. The State Superintendent of Public Instruction recommendations involved in regulation section 11968.5.1 are governed by Education Code section 47604.5, not Education Code section 47607. Education Code section 47607 would not be determinative as to which parties are entitled to notice and participation in relation to a potential action under Education Code section 47604.5. The SBE needs to provide more accurate and meaningful responses to these comments.

Mr. Miller commented as follows with respect to regulatory language relating to the response of a charter school governing body to a Notice of Violation in section 11969.1(b)(1) [a section which was subsequently renumbered section 11968.5.2(c)(1)]: “We suggest deleting the word ‘detailed’ as this is a subjective and unnecessary qualifier with no basis in the law. We are concerned that under this language, a chartering authority could simply reject a response as not being ‘detailed’ enough. In addition, the chartering authority isn’t subject to the same ‘detailed’ requirement in its Notice of Violation, so the charter could be put in a position of trying to provide a ‘detailed’ response to a very vague Notice. Charter schools should be able to gauge the appropriate level of detail necessary to be compelling to its authorizer. Therefore ‘detailed’ should be deleted from this phrase.” See pages 35 and 45 of the rulemaking record. The final statement of reasons does not include a summary and response to this comment.

Mr. Miller commented regarding the regulations involving appeals to a county board of education and appeals to the SBE, regulation sections 11969.3 and 11969.4 [sections which were subsequently renumbered sections 11968.5.4 and 11968.5.5, respectively]: “We suggest adding language to clarify what happens in the situation in which the charter school was revoked for a ‘severe and imminent threat to the health or safety of its pupils.’ The process for revoking a school under that provision has different standards and steps that apply, so the record will look different for schools that are appealing under this circumstance. This amendment offers some clarity to ensure that the entity considering the appeal receives the necessary information related to that finding.” See page 37 of the rulemaking record. Related to this comment, in the annotated regulation text attached as part of the comments, the commenter shows an addition to section 11969.3 (county board of education appeals) of a provision reading: “If the school was revoked pursuant to 11969.2, provides all information the chartering authority relied on in
making the determination of a ‘Severe and Imminent Threat to the Health and Safety of the Pupils.’” See page 48 of the rulemaking record. Furthermore, in the annotated regulation text the commenter shows an addition to section 11969.4 (SBE appeals) of a provision reading: “All information the chartering authority relied on in making the determination of a ‘Severe and Imminent Threat to the Health and Safety of the Pupils,’ if the school was revoked pursuant to 11969.2.” See page 50 of the rulemaking record. The SBE responds to these comments on pages 7 and 8 of the final statement of reasons with the following: “. . . the proposed regulations already provide a clear appeal process for charter schools that are revoked pursuant to section 11969.2. It is clear in section 11969.2 that the appeal process shall follow the provisions in proposed sections 11969.3, 11969.4 and 11969.5.” This response is not adequate. The commenter is asserting that section 11969.3 (later section 11968.5.4) and section 11969.4 (later section 11968.5.5) need added language to clarify the requirements which would be applicable to an appeal of a “severe and imminent threat to the health or safety of pupils’ revocation at the county board of education and SBE appeal levels. The commenter is pointing out that since a “severe and imminent threat” revocation “has different standards and steps that apply . . . the record will look different for schools that are appealing under this circumstance.” The final statement of reasons does not include a meaningful response to these comments.

Mr. Miller recommended, in the annotated regulation text which he submitted as part of his comments, the following addition to the regulation pertaining to appeals to a county board of education, regulation section 11969.3 [a section which was subsequently renumbered section 11968.5.4]: “The county board shall hold a public hearing to consider the appeal within 60 days of the receipt of a Notice of Appeal. No later than 10 days before the public hearing, the county board shall provide the charter school with all documents and materials that will be used to consider the appeal. At the public hearing, the county board shall present the evidence and representatives of the charter school and of the general public shall have an equal opportunity to address the board regarding the allegations and the evidence presented.” See page 48 of the rulemaking record. The SBE provides a response to this comment on page 7 of the final statement of reasons as follows: “The suggested new section exceeds the statutory language in Education Code section 47607(f)(3) that provides a county board of education the option to not act on an appeal of a charter revocation.” This response is not complete. The commenter is essentially making multiple recommendations in his proposed regulation language. There does appear to be a response to the commenter’s proposed recommended language which would require the county board of education to hold a public hearing to consider the appeal within 60 days of the receipt of a Notice of Appeal. However, there are not adequate responses to the commenter’s other recommendations regarding (1) the county board providing the charter school, no later than 10 days before a public hearing, with all documents and materials that will be used to consider the appeal (in the event a hearing is held), and (2) representatives of the charter school and of the general public having an equal opportunity at a public hearing to address the county board regarding the allegations and evidence presented (in the event a hearing is held).

Mr. Miller commented as follows with respect to regulatory language regarding the effect of a county board of education not issuing a written decision within 90 calendar days in section 11969.3(b) [a section which was subsequently renumbered section 11968.5.4(b)]: “We suggest deleting the word ‘complete’ as this is a subjective and unnecessary qualifier with no basis in the
law. We are concerned that under this language, a Notice of Appeal could be rejected simply for not being ‘complete’ and not receive the necessary due process considerations. Charter schools should be able to gauge the appropriate level of detail necessary to be compelling to the entity receiving the appeal.” See pages 37 and 48 of the rulemaking record. The final statement of reasons does not include a summary and response to this comment.

Mr. Miller commented as follows with respect to the proposed procedures for appeals to the SBE under regulation section 11969.4 (a section which was subsequently renumbered section 11968.5.5): “It is unclear why this additional back and forth is included in the state board appeal, but not at the county level. … We suggest the board seriously consider the value of this additional process against the timeliness of a decision. Because the state board already has the benefit of the county review, it seems it may be able to reach its decision in a timelier manner and the additional timelines and back and forth could be eliminated from the regulations altogether. While we support the opportunity for all parties to provide information to the board, we believe that a much simpler and streamlined approach could achieve that goal and lead to a fair decision sooner. See pages 38 of the rulemaking record. The final statement of reasons does not include a summary and response to this comment.

2. Comments of Gregory V. Moser – Gregory V. Moser submitted comments regarding the proposed charter revocation and revocation appeals regulations in a letter dated July 6, 2010. These comments were submitted in connection with the 45-day public comment period.

One of Mr. Moser’s comments was the following: “Charter Schools are often limited to 3 minutes to respond to revocation charges along with members of the public, while the district staff gets an unlimited time to present its ‘case’ for revocation. The regulations should ensure that the charter school gets equal time to presents its case and an opportunity for rebuttal before the close of the hearing. I have personally experienced (more than once) districts making an extensive presentation, then limiting the respondents to 3 minutes with no opportunity for rebuttal.” The response to this comment on pages 1 and 2 of the final statement of reasons is as follows: “The [California Department of Education] has no jurisdiction over how local boards conduct their meetings. California Education Code … Section 47608 specifies that all meetings of the governing boards of the school district and the county board of education shall comply with the Ralph M. Brown Act (Brown Act). Section 54954.3(b) of the Brown Act authorizes these bodies to adopt regulations to assist in processing comments from the public and specifies that the bodies may establish procedures for public comments as well as specifying reasonable time limitations on particular topics or individual speakers.” The concern with this response is that it does not accurately reflect changes which were ultimately made to the regulations. In fact, during the first 15-day comment period the SBE revised regulation section 11968.5.2, “Charter Revocation,” to include in section 11968.5.2(f) the following language: “At any hearing concerning the revocation of a charter school, the charter school shall be allowed equal time to present and rebut prior to the close of the hearing.”

3. Comments of Paul C. Minney – Paul C. Minney, on behalf of Middleton, Young & Minney LLP, submitted comments regarding the proposed charter revocation and revocation appeals regulations in a letter dated July 6, 2010. These comments were submitted in connection with the 45-day comment period.
One of Mr. Minney's comments recommended the deletion of the words “to the chartering authority's satisfaction” from section 11969.1(c)(1) [a section which was subsequently renumbered 11968.5.2(d)(1)]. See the annotated regulation text submitted by Mr. Minney at page 60 of the rulemaking record. The final statement of reasons does not include a summary and response to this comment.

Conclusion: These examples and all other public objections and recommendations directed at the SBE's proposed action must be substantively summarized and responded to before the regulations can be approved by OAL. Other specific problems relating to summarizing and responding to public comments have been discussed with SBE staff.

C. INCORRECT PROCEDURES AND DEFECTIVE DOCUMENTS

In addition to the problems discussed above, this charter revocation and revocation appeals rulemaking presents several problems relating to compliance with APA procedural requirements, including defective documents required as part of the APA process. Each of these problem areas is discussed below.

1. Final statement of reasons - Government Code section 11346.9, subdivision (a)(1), provides that the final statement of reasons for a regulatory action shall include “an update of the information contained in the initial statement of reasons...”

In this charter revocation and revocation appeals rulemaking, the SBE has in its final statement of reasons partially updated the information contained in the initial statement of reasons by means of explaining the modifications made during the two 15-day notice periods (pages 11-14 and 16-17 of the final statement of reasons). However, a more comprehensive updating of the information set forth in the initial statement of reasons is needed. During the course of this rulemaking, four of the primary regulations being added were renumbered after the time the initial statement of reasons was written. Specifically, in the first 15-day notice, originally proposed sections 11969.1, 11969.2, 11969.3, and 11969.4 were renumbered 11968.5.2, 11968.5.3, 11968.5.4, and 11968.5.5, respectively. The information contained in the initial statement of reasons needs to be fully updated in the final statement of reasons to reflect the new regulation section numbering, as well as the other changes. This updating will provide a more accurate and complete explanation of the regulations as they were finally adopted and submitted for filing with the Secretary of State.

2. Form 400 - Section 6 of title 1 of the CCR requires that rulemaking agencies complete the Form 400 for the submission of regulations to OAL for publication and/or for transmittal to the Secretary of State for filing. Section 6(b) specifies the required contents of the completed Form 400, including a requirement in section 6(b)(2) that the form specify: “the title(s) of the California Code of Regulations affected and a list of all regulation sections being adopted, amended or repealed.” In this charter revocation and revocation appeals rulemaking, the SBE did properly include a Form 400 with the original and copies of the final regulation text. In most respects, the Form 400 is complete and accurate; however, the list of regulation sections being
adopted, amended and repealed as set forth in Section B.2 of the form is inaccurate and incomplete.

3. Underline and strikeout in the final regulation text – Section 8 of title 1 of the CCR sets forth the requirements for the “final text” of regulations submitted to OAL for filing with the Secretary of State. Section 8(b) provides: “The final text of the regulation shall use underline or italic to accurately indicate additions to, and strikeout to accurately indicate deletions from, the California Code of Regulations....” In this charter revocation and revocation appeals rulemaking, generally the SBE accurately and properly showed changes in the final regulation text in underline and strikeout. The exception is on page 12 of the final regulation text where a regulation entitled “Purpose and Stipulation” is shown as being renumbered from “11969.10” (which is in strikeout) to “11969.1” (which is underlined). This “Purpose and Stipulation” regulation is already numbered “11969.1” in the CCR, so the changes in underline and strikeout are not appropriate.

CONCLUSION

For the reasons set forth above, OAL has disapproved this regulatory action. If you have any questions, please contact me at (916) 323-6225.

Date: March 30, 2011

Bradley J. Norris
Senior Staff Counsel

FOR: DEBRA M. CORNEZ
Assistant Chief Counsel/
Acting Director

Original: Patricia de Cos
Copy: Debra Thacker
July 15, 2011

Susan K. Burr
Executive Director
California State Board of Education
1430 N Street, Suite #5111
Sacramento, CA 95814

Re: Request for Extension of Rulemaking
OAL File No. 2011-0210-03S

Dear Ms. Burr:

I have received the Board of Education's request for a "good cause" extension of time pursuant to Government Code section 11349.4(a) in connection with your "Charter Revocation and Revocation Appeals" rulemaking. This request was submitted by the California Department of Education on behalf of the State Board of Education in a memorandum from Cyndi Olsen to the Office of Administrative Law (OAL) dated June 30, 2011.

OAL finds that the basis for your request for an extension of time for the resubmittal of OAL File No. 2011-0210-03S constitutes "good cause" and hereby grants a 120-day extension from the resubmittal due date of July 28, 2011. Accordingly, this file must be resubmitted to this office by the close of business on November 25, 2011. Please note that the resubmission "due date" is November 25, 2011 rather than the November 26, 2011 date mentioned in the June 30, 2011 memorandum.

Please include a copy of this letter in the resubmission of the rulemaking file.

Sincerely yours,

Debra M. Cornez
Assistant Chief Counsel/Acting Director

cc: Cyndi Olsen, Regulations Analyst
California Department of Education
A. ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:
   
   a. Impacts 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.)

   (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: ___________ eliminated: ___________.

   Explain: __________________________________________________________________________________________________________

4. Indicate the geographic extent of impacts: 
   a. Statewide
   b. 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:

   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.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57006.
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 ________________ 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.

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. The activities in the regulations would impose new workload to CDE. This new workload would require 3 Ed Program Consultants and one-half Staff Consultant III, for a total on-going cost of $380,000

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.

FISCAL OFFICER SIGNATURE

DATE 6/27/2011
Ed Fiscal Services Consultant

AGENCY SECRETARY 1
APPROVAL/CONCURRENCE

DATE

DEPARTMENT OF FINANCE 2
APPROVAL/CONCURRENCE

PROGRAM BUDGET MANAGER

DATE

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.
State of California -- Department of Finance
Economic and Fiscal Impact Statement
(Regulations and Orders)

Department Name
Education

Contact Person
Linda M. Lewis

Telephone Number
916-319-0658

Descriptive Title From Notice Register or Form 400
Charter Revocation and Revocation Appeals

Economic Impact Statement

Estimated Private Sector Cost Impacts
None

Fiscal Impact Statement

Fiscal Effect on Local Government
No fiscal impact exists because this regulation does not affect any local entity or program.

Fiscal Effect on State Government
The activities in the regulation would impose new workload to CDE. The 2011-12 Budget Act provided additional resources for charter-related workload. The Department of Education may submit a BCD should actual costs of implementation exceed resources provided for these activities.

Fiscal Effect on Federal Funding of State Programs
No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature
(signed 7/27/2011)
ITEM 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. At this meeting, counsel will present training on the Bagley-Keene Open Meeting Act.

## RECOMMENDATION

Take action (as necessary and appropriate) regarding State Board Projects and Priorities.

## 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

1. Bagley-Keene Training: Counsel from the Attorney General’s Office will present training on the Bagley-Keene Open Meeting Act.
2. State Board of Education Draft Goals and Priorities
3. State Board of Education Draft July 2011 Minutes
4. Board member liaison reports

## FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.
ATTACHMENT(S)

Attachment 1: Acronyms Chart (3 Pages)
Attachment 2: State Board Bylaws (as amended July 9, 2003) (10 pages)
Attachment 3: State Board of Education Draft Goals and Priorities
Attachment 4: State Board of Education Draft Minutes of the July 2011 Meeting
Attachment 5: State Board of Education Member Assignments August 2011 (3 Pages)
# ACRONYMS CHART

<table>
<thead>
<tr>
<th>ACRONYMS</th>
<th>FULL NAME</th>
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<tbody>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
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<td>ACCS</td>
<td>Advisory Commission on Charter Schools</td>
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<td>ACES</td>
<td>Autism Comprehensive Educational Services</td>
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<td>ACSA</td>
<td>Association of California School Administrators</td>
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<td>Americans with Disabilities Act</td>
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<td>BTSA</td>
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<td>California Alternate Performance Assessment</td>
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<td>California High School Proficiency Exam</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
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<tr>
<td>CTC</td>
<td>California Commission on Teacher Credentialing</td>
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<tr>
<td>ED</td>
<td>United States Department of Education</td>
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<tr>
<td>EL</td>
<td>English Learner</td>
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<tr>
<td>ELAC</td>
<td>English Learner Advisory Committee</td>
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<tr>
<td>ESL</td>
<td>English as a Second Language</td>
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<tr>
<td>FAPE</td>
<td>Free and Appropriate Public Education</td>
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<tr>
<td>FEP</td>
<td>Fluent English Proficient</td>
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<tr>
<td>GATE</td>
<td>Gifted and Talented Education</td>
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<tr>
<td>GED</td>
<td>General Education Development</td>
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<tr>
<td>HPSGP</td>
<td>High-Priority School Grant Program</td>
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<td>HumRRO</td>
<td>Human Resources Research Organization</td>
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<td>IDEA</td>
<td>Individuals with Disabilities Education Act</td>
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<tr>
<td>IEP</td>
<td>Individualized Education Program</td>
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<tr>
<td>II/USP</td>
<td>Immediate Intervention/Underperforming Schools Program</td>
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<tr>
<td>IMAP</td>
<td>Instructional Materials Advisory Panel</td>
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<tr>
<td>IMFRP</td>
<td>Instructional Materials Fund Realignment Program</td>
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<td>LEA</td>
<td>Local Educational Agency</td>
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<tr>
<td>LEP</td>
<td>Limited English Proficient</td>
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<tr>
<td>NAEP</td>
<td>National Assessment of Educational Progress</td>
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<td>NEA</td>
<td>National Education Association</td>
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<td>NCLB</td>
<td>No Child Left Behind Act of 2001</td>
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<td>NPS/NPA</td>
<td>Non Public Schools/Non Public Agencies</td>
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<td>NRT</td>
<td>Norm-Referenced Test</td>
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<td>OSE</td>
<td>Office of the Secretary for Education</td>
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<td>PAR</td>
<td>Peer Assistance and Review Program for Teachers</td>
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<td>Public School Accountability Act</td>
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<td>RDP</td>
<td>Regional Occupation Program</td>
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<td>RLA/ELD</td>
<td>Reading/Language Arts/English Language Development</td>
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<td>SABE/2</td>
<td>Spanish Assessment of Basic Education, 2nd Edition</td>
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<td>SAIT</td>
<td>School Assistance and Intervention Team</td>
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<td>SARC</td>
<td>School Accountability Report Card</td>
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<td>SAT 9</td>
<td>Stanford Achievement Test, 9th Edition</td>
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**ACRONYMS CHART**
<table>
<thead>
<tr>
<th>ACRONYMS</th>
<th>Description</th>
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<tr>
<td>SB</td>
<td>Senate Bill</td>
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<tr>
<td>SEA</td>
<td>State Educational Agency</td>
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<td>SELPA</td>
<td>Special Education Local Plan Area</td>
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<td>SBCP</td>
<td>School Based Coordination Program</td>
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<td>SBE</td>
<td>State Board of Education</td>
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<tr>
<td>SSPI</td>
<td>State Superintendent of Public Instruction (Jack O'Connell)</td>
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<tr>
<td>STAR</td>
<td>Standardized Testing and Reporting Program</td>
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<td>TDG</td>
<td>Technical Design Group (PSAA Advisory Committee)</td>
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<td>USD</td>
<td>Unified School District</td>
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<td>UTLA</td>
<td>United Teachers-Los Angeles</td>
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<tr>
<td>WIA</td>
<td>Workforce Investment Act</td>
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This acronyms chart was posted by the State Board of Education on October 29, 2010.
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.

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.

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.

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

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 OF LIAISON OR REPRESENTATIVE

Section 7. A Board member appointed as a liaison or representative shall:

• serve as an informal (non-voting) link between the Board and the advisory body or agency (or function) to which he or she is appointed as liaison or representative; and

• reflect the position of the Board, if a position is known to him or her, on issues before the advisory body or agency (or within the function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.

DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY

Section 8. The member shall:

• to every extent possible, attend the meetings of the agency and meet all responsibilities of membership; and

• reflect through his or her participation and vote the position of the Board, if a position is known to him or her, and keep the Board informed of the agency's activities and the issues with which it is dealing.

ARTICLE V
Meetings

REGULAR MEETINGS
Section 1. Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: 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.

EMERGENCY MEETINGS

Section 5. (a) An emergency meeting may be called by the president or by the secretary upon the request of any four members without providing the notice otherwise required in the case of a situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities and which is properly a subject of an emergency meeting in accordance with law.

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

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

CLOSED SESSIONS

Section 6. Closed sessions shall be held only in accordance with law.

QUORUM

Section 7. (a) The concurrence of six members of the Board shall be necessary to the validity of any of its acts.

(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
CONSENT CALENDAR

Section 9. (a) Non-controversial matters and waiver requests meeting established guidelines may be presented to the Board on a consent calendar.

(b) Items may be removed from the consent calendar upon the request of an individual Board member or upon the request of Department staff authorized by the State Superintendent of Public Instruction to submit items for consideration by the Board.

(c) Items removed from the consent calendar shall be referred to a standing committee or shall be considered by the full Board at the direction of the president.

ARTICLE VI

Committees and Representatives

SCREENING COMMITTEE

Section 1. A 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

Section 2. From time to time, the president may appoint ad hoc committees for such purposes as he or she deems necessary. Ad hoc committees shall remain in existence until abolished by the president.

REPRESENTATIVES

Section 3. From time to time, the president may assign Board members the responsibility of representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs. The president may also assign Board members the responsibility of representing the Board in ceremonial activities.

ARTICLE VII

Public Hearings: General

SUBJECT OF A PUBLIC HEARING

Section 1. (a) The Board may hold a public hearing regarding any matter pending before it after giving 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**

Section 2. 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**

Section 3. 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 PRESENTED AT THE PUBLIC HEARING: ORIGINAL SUBMISSION**

Section 2. At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The presiding individual may ask that speakers not repeat arguments previously presented.

CCR 18571
Resubmission of the Same or 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.

(b) Curriculum Development and Supplemental Materials Commission. The Board appoints 13 of 18 members to serve four-year terms.

(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.

(d) Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.

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.

(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.

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

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.
(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:

- CC: Constitution of the State of California
- CCR: California Code of Regulations
- EC: California Education Code
- GC: California Government Code
- CFR: Code of Federal Regulations
- JPA-FWL: 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

DATES OF ADOPTION AND AMENDMENT

- Adopted April 12, 1985
- Amended February 11, 1987
- Amended December 11, 1987
- Amended November 11, 1988
- Amended December 8, 1989
- Amended December 13, 1991
- Amended November 13, 1992
- Amended February 11, 1993
- Amended June 11, 1993
- Amended May 12, 1995
- Amended January 8, 1998
- Amended April 11, 2001
- Amended July 9, 2003
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 certain charter schools and handling many 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 higher education; make policy decisions that aim to improve students’ readiness for career, college, and civic participation.

5) Support innovation—whether in charter schools or traditional schools—paired with accountability for improved student outcomes.

6) Facilitate and support the best uses of technology, with the goals of improving student outcomes and increasing efficiency.

7) Ensure that California schools are serving all students, including those who are struggling, those achieving at high levels, and those in the middle.
State Board of Education
California Department of Education Board Room
July 13-14, 2011
Draft Minutes

Please note that the complete proceedings of the July 13-14, 2011, State Board of Education meeting, including close-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
Aida Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus

Members Absent:
None.

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

Principal Staff
Sue Burr, Executive Director, 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
Richard Zeiger, Chief Deputy Superintendent, CDE
Amy Holloway, General Counsel, CDE
Mary Prather, Education Administrator I, CDE
Michelle Zumot, Education Policy Consultant, CDE

Public Session

July 14, 2011

CLOSED SESSION
There was no Closed Session.

**Item 1: Parent Empowerment**  
Approve Commencement of a Third 15-day Public Comment Period for Proposed Additions to the *California Code of Regulations, Title 5*, Sections 4800–4808.

**ACTION:** Member Williams moved to:

- Approve the changes to the proposed regulations as recommended by SBE staff in Attachment 1 of Item Addendum 1;
- Direct that the proposed changes be circulated for a third 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the third 15-day public comment period, the proposed regulations with changes are deemed adopted, and the California Department of Education (CDE) is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval;
- If any relevant comments to the proposed changes are received during the third 15-day public comment period, CDE is directed to place the proposed regulations on the SBE’s September 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Ramos seconded the motion.

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

No votes: None.

**Item 2: Update on Issues Related to California’s Implementation of the Elementary and Secondary Education Act and Other Federal Programs.**

*No action was taken on this item.*
Item 3: Elementary and Secondary Education Act: School Improvement Grant: Approval of Renewal of Funding for Year 2 of Cohort 1 Fiscal Year 2009 Local Educational Agencies and Schools for the Sub-Grants Under Section 1003(g).

**ACTION:** Member Aschwanden moved to approve the list of Cohort 1 local educational agencies (LEAs) and schools for renewal of the fiscal year (FY) 2009 School Improvement Grant (SIG) Sub-grants, contingent on schools implementing all required elements of the SIG program on the first day of school year 2011-12.

Member Cohn seconded the motion.

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

No votes:  None.

Item 4: Elementary and Secondary Education Act: Request a Waiver Under Title I, Part A Section 9401 to Carry Over 100 Percent of the Fiscal Year 2010 School Improvement Grant Allocation.

**ACTION:** Member Aschwanden moved to request a waiver from the U.S. Department of Education, as recommended by CDE, to carry over 100 percent of the Fiscal Year (FY) 2010–11 School Improvement Grant (SIG) allocation to be awarded along with the FY 2011 allocation for awards beginning in the 2012–13 school year. The FY 2010 and FY 2011 funds will be combined to award sub-grants for the first two years of the three-year grant period (2012–13 and 2013–14 school years); the third year (2014–15) of the grant award period will be funded using FY 2012 allocation.

Member Rucker seconded the motion.

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

No votes:  None.

Item 5: Elementary and Secondary Education Act: Supplemental Educational Services Providers: Approval of Additional Providers to the 2011-13 State Board of Education-Approved Supplemental Educational Services Provider List.

**ACTION:** Member Cohn moved to adopt the CDE’s recommendation to approve 75 additional SES providers from the second 2011 RFA process for a two-year period beginning July 1, 2011, through June 30, 2013. This includes conditional approval for 16 LEAs identified for improvement or corrective action pending notification of approval of the waiver from the Department of Education (requested in Item 4).
Member Molina seconded the motion.

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

No votes: None.

Not present: Member Ramos.

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**Item 6:** Inclusion of Middle School Dropouts in the Academic Performance Index – Adopt Amendments to *California Code of Regulations*, Title 5, Section 1039.1.

This item was moved to the Consent Calendar and approved as recommended by CDE staff.

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**Item 7:** California English Language Development Test Program: Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Sections 11510 Through 11517.5.

**ACTION:** Member Cohn moved to adopt CDE staff’s recommendation to:

- 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.

Member Aschwanden seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Kirst, Williams, Molina, Rucker.

No votes: None.

Not present: Members Ramos, Straus

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**WAIVER REQUEST CONSENT AND WAIVERS ON PROPOSED CONSENT**

The following agenda items satisfy criteria for approving a waiver of that type based on a previously-adopted State Board of Education waiver policy or have waiver evaluation criteria that are in *the California Education Code EC* or in the *California Code of Regulations*, CCR, Title 5.
The following agenda items were proposed for approval on the waiver consent calendar: WC-1 through WC-8 and WC-10 through WC-17. The following additional waivers were proposed for consent: W-4, W-5, W-7, W-8, W-9, W-10, W-11, W-12, W-13, W-14, W-15, W-16, W-17, W-18, W-19, W-21, W-22, W-23, W-24.

ACTION: Member Aschwanden moved to approve the waiver consent calendar and the waivers on proposed consent, as recommended by CDE. Member Chan seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Kirst, Williams, Molina, Rucker.

No votes: None.

Not present: Members Ramos, Molina.

WAIVER REQUEST CONSENT

Charter School Program (Attendance Accounting for Multi-Track)

Item WC-1
Subject: Request by Moorpark Unified School District for Ivy Tech 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 (3 tracks; 175 days).
Waiver Number: 21-4-2011
(APPROVAL WITH CONDITIONS)

Charter School Program (Pupil Teacher Ratio)

Item WC-2
Subject: Request by Capistrano Unified School District to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Capistrano Connections Academy Charter School.
Waiver Number: 31-3-2011
(APPROVAL WITH CONDITIONS)

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

Item WC-3
Subject: Request by Fort Bragg Unified School District for Fort Bragg 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-61-2011
(APPROVAL)
Federal Program Waiver (Carl D. Perkins Voc and Tech Ed Act)

Item WC-4
Subject: Request by Shoreline Unified School District for Tomales 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-62-2011
(APPROVAL)

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

Item WC-5
Subject: Request by Sutter Union High School District for Sutter Union 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-60-2011
(APPROVAL)

Other Waivers

Item WC-6
Subject: Request by Rescue Union Elementary School District to waive a portion of California Education Code Section 37223, which relates to weekend makeup classes.
Waiver Number: 20-3-2011
(APPROVAL WITH CONDITIONS)

Petition

Item WC-7
Subject: Petition request under California Education Code sections 60421(d) and 60200(g) for a renewal petition by Poway Unified School District to purchase specified non-adopted instructional materials for severely disabled children using Instructional Materials Funding Realignment Program monies.
Waiver Number: 58-4-2011
(APPROVAL)

School Construction Bonds (Bond Indebtedness Limit - Non-Unified)

Item WC-8
Subject: Request by Moreland Elementary School District to waive California Education Code sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit of 1.25 percent of the taxable assessed value of property.
(Requesting 1.57 percent)
Waiver Number: 5-4-2011
(APPROVAL WITH CONDITIONS)
Schoolsite Council Statute (Shared Schoolsite Council)

Item WC-10
Subject: Request by Jamestown Elementary School District under the authority of California Education Code Section 52863 for a waiver of Education Code 52852, allowing one joint schoolsite council to function for two small schools: Chinese Camp Elementary School and Jamestown Elementary School.
Waiver Number: 22-3-2011
(APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Shared Schoolsite Council)

Item WC-11
Subject: Request by Alview-Dairyland Union Elementary School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, allowing one joint schoolsite council to function for two small rural schools: Alview Elementary School and Dairyland Elementary School.
Waiver Number: 49-3-2011
(APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Shared Schoolsite Council)

Item WC-12
Subject: Request by Terra Bella Union Elementary School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, allowing one schoolsite council to function for two schools: Terra Bella Elementary School and Carl F. Smith Middle School.
Waiver Number: 19-3-2011
(Recommended for APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Shared Schoolsite Council with Reduced Number and Composition)

Item WC-13
Waiver Number: 32-5-2011
(APPROVAL WITH CONDITIONS)
Special Education Program (Algebra I Requirement for Graduation)

Item WC-14
Subject: Request by Pleasanton Unified School District 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 one special education student based on Education Code Section 56101, the special education waiver authority.
Waiver Number: 18-4-2011
(APPROVAL WITH CONDITIONS)

Special Education Program (Non Public Agency (NPA) or School (NPS) Annual Renewal of Certification)

Item WC-15
Subject: Request by West Orange County Special Education Local Plan Area under authority of California Education Code Section 56101 to waive Education Code Section 56366.1(h), the August through October 31 timeline for an annual certification renewal application, for Speech and Language Professional Services, a nonpublic agency.
Waiver Number: 31-5-2011
(APPROVAL)

Special Education Program (Resource Teacher Caseload)

Item WC-16
Subject: Request by Santa Rita Union Elementary School District under authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Summer Prather is assigned to McKinnon Elementary School.
Waiver Number: 23-3-2011
(APPROVAL WITH CONDITIONS)

State Testing Apportionment Report (CAHSEE)

Item WC-17
Subject: Request by nine 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; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.
(APPROVAL)

PROPOSED WAIVER CONSENT ITEMS

Equity Length of Time (Equity Length of Time)

Item W-4 General
Subject: Request by Tustin Unified School District to waive Education Code Section 37202, the equity length of time requirement for A. G. Currie Middle School (due to a longer day for intervention).
Waiver Number: 1-5-2011
(APPROVAL WITH CONDITIONS)

School District Reorganization (Elimination of Election Requirement)

Item W-5 General
Subject: Request by Lemoore Union High School District to waive California Education Code Section 5020, and portions of sections 5019, 5021, and 5030, which require a district-wide election to establish new trustee areas.
Waiver Number: 140-1-2011
(APPROVAL)

School District Reorganization (Size of Governing Board)

Item W-7 General
Subject: Request by Bass Lake Joint Union Elementary District to waive California Education Code Section 5020 that requires a district-wide election to reduce the number of governing board members from seven to five.
Waiver Number: 29-4-2011
(APPROVAL)

Schoolsite Council Statute (Number and Composition of Members)

Item W-8 Specific
Subject: Request by Bend Elementary School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Bend Elementary School.
Waiver Number: 6-5-2011
(APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Number and Composition of Members)
Item W-9 Specific  
Subject: Request by Taft Union High School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small continuation high school, Buena Vista Continuation High School.  
Waiver Number: 64-2-2011  
(APPROVAL WITH CONDITIONS)

Schoolsite Council Statute (Shared Schoolsite Council with Reduced Number and Composition)

Item W-10 Specific  
Subject: Request by Gerber Union Elementary School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, allowing one joint school site council with a reduced number and composition to function for two small schools: Gerber Union Elementary School and Gerber Community Day School.  
Waiver Number: 46-3-2011  
(APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

Item W-11 Specific  
Subject: Request by Hayward Unified School District 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 three special education students based on Education Code Section 56101, the special education waiver authority.  
Waiver Number: 11-5-2011  
(APPROVAL WITH CONDITIONS)

Item W-12 Specific  
Subject: Request by Manteca Unified School District 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 one special education student based on Education Code Section 56101, the special education waiver authority.  
Waiver Number: 10-4-2011  
(APPROVAL WITH CONDITIONS)

Special Education Program (Educational Interpreter for Deaf and Hard of Hearing)
Item W-13 General
Subject: Request by Imperial 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 Alejandra Larios Ramirez to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum requirements.
Waiver Number: 56-3-2011
(APPROVAL WITH CONDITIONS)

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

Item W-14
Subject: Request by Shasta County Office of Education for a renewal to waive California Code of Regulations, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Christina Coburn, Diana Davis, Aleah Nishizaki, Barbara Wolf, and Sarah Wood to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.
Waiver Numbers: 45-4-2011, 46-4-2011, 47-4-2011, 49-4-2011, and 50-4-2011
(APPROVAL WITH CONDITIONS)

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

Item W-15 General
Subject: Request by Mariposa County Office of Education 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: 16-4-2011
(APPROVAL WITH CONDITIONS)

Special Education Program (Use of Funds for Low Incidence Disabilities)

Item W-16 Specific
Subject: Request by East Valley, Fontana Unified, and San Bernardino City Unified Special Education Local Plan Areas under authority of California Education Code Section 56101 for a renewal to waive Education Code Section 56836.22(d) to allow ten percent of state low incidence funds to be utilized for the purchase of assistive technology/materials for assessment and trial use prior to purchasing specific items for specific identified students.
Waiver Number: 1-3-2011
(APPROVAL WITH CONDITIONS)
Quality Education Investment Act (Class Size Reduction Requirements)

Item W-17 General
Subject: Request by Coachella Valley 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Cahuilla Desert Academy and Toro Canyon Middle School (requesting 24.9 student ratio on average in core classes in grades seven and eight at Cahuilla Desert Academy and 24.6 at Toro Canyon Middle School). Waiver Number: 23-5-2011 (APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-18 General
Subject: Request by Compton 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at McKinley Elementary School (requesting 25:1 ratio on average in core classes in grade five). Waiver Number: 131-2-2011 (APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-19 General
Subject: Request by Farmersville 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Snowden Elementary School, Freedom Elementary School, and Farmersville Junior High School (requesting 25:1 average in core classes in grades two through eight). Waiver Number: 39-3-2011 (APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-21 General
Subject: Request by Taft City School District to waive California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Lincoln
Junior High School (requesting 23:1 ratio on average in core classes in grades six through eight, and 35:1 on average in non-core classes in grade six through eight).
Waiver Number: 53-4-2011
(APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-22 General
Subject: Request by West Contra Costa 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at John F. Kennedy High School (requesting 24.5:1, 24.4:1, 24:1, and 21:1 ratio on average in core classes in grades nine, ten, eleven, and twelve).
Waiver Number: 121-2-2011
(APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-23 General
Subject: Request by West Contra Costa 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Helms Middle School (requesting 24.7:1 ratio on average in core classes in grade seven and 25:1 ratio in grade eight).
Waiver Number: 122-2-2011
(APPROVAL WITH CONDITIONS)

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-24 General
Subject: Request by San Diego 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, that this funded school reduce their class sizes by an average of five students per class by the end of the 2010–11 school year at Roosevelt International Baccalaureate Middle School (requesting 20.9:1 ratio on average in core classes in grade six, 20.7:1 in grade seven, and 21.1:1 for grade eight).
Waiver Number: 16-5-2011
(APPROVAL WITH CONDITIONS)

END OF PROPOSED WAIVER CONSENT ITEMS
NON-CONSENT WAIVER ITEMS

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

Item W-1 General
Subject: Request by eight 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: 3-4-2011, 25-4-2011, 9-5-2011, 32-4-2011, 4-5-2011, 55-4-2011, 17-4-2011, and 86-2-2011

ACTION: Member Chan moved to approve the waiver with CDE’s recommended conditions. Member Cohn seconded the motion.

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

No votes: None.

Not present: Member Ramos.

Recused: Member Rucker.

Class Size Penalties (Over limit on Kindergarten - Grade 3)

Item W-2 Specific
Subject: Request by three districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and 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: 26-4-2011, 3-5-2011 and 27-5-2011
(APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve the waiver with CDE’s recommended conditions. Member Molina seconded the motion.

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

No votes: None.

Not present: Member Ramos.

Recused: Member Rucker.
Class Size Penalties (Over limit on Grades 1-3)

Item W-3 Specific
Subject: Request by San Jacinto Unified School District, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) relating to class size penalties for grades one through three. For grades one through three, the overall class size average is 30 to one with no class larger than 32.
Waiver Number: 7-5-2011
(APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve the waiver with CDE’s recommended conditions. Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Kirst, Williams, Straus, Molina.
No votes: None.
Not present: Member Ramos.
Recused: Member Rucker.

School District Reorganization (Lapsation of a Small District)

Item W-6 General

Subject: Request by Santa Barbara County Office of Education to waive portions of California Education Code sections 35576, 35782, and 35784 to allow removal of required timelines for the lapsation of a district and to provide a more equitable allocation of existing bonded indebtedness after lapsation.
Waiver Number: 14-4-2011
(APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve the waiver with CDE’s recommended conditions. Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Kirst, Williams, Straus, Molina, Rucker.
No votes: None.
Not present: Member Ramos.
School District Reorganization (Lapsation of a Small District)

Item WC-9
Subject: Request by La Grange Elementary School District to waive portions of California Education Code Section 35786 in its entirety, which requires a lapsation to be effective on the date of the lapsation order, and a portion of Education Code Section 35782, which requires a public hearing on lapsation to be conducted within 30 days of the close of the school year.
Waiver Number: 10-5-2011
(APPROVAL WITH CONDITIONS)

ACTION: Member Aschwanden moved to approve the waiver with the conditions recommended by CDE. Member Chan seconded the vote.

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

No votes: None.

Not present: Member Ramos.

Quality Education Investment Act (Class Size Reduction Requirements)

Item W-20 General

Subject: Request by King City Union School District to waive portions of California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010-2011 school year at Del Rey Elementary School and Santa Lucia Elementary School (requesting waiver of all Quality Education Investment Act class size reduction requirements).
Waiver Number: 52-4-2011
(Recommended for DENIAL)

No action was taken on this item; moved to September meeting.

Quality Education Investment Act (Money to Follow Identified Students)

Item W-25 General

Subject: Request by Los Angeles Unified School District to waive California Education Code Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from Carver Middle School and Los Angeles Academy Middle School to follow identified students
who will be transferring to one new school, Central Region Middle School #7 to ensure that they will not lose the benefits of the Quality Education Investment Act. 
Waiver Number: 34-10-2010
(Recommended for DENIAL)

This item was withdrawn by the district.

Quality Education Investment Act (Money to Follow Identified Students)

Item W-26 General

Subject: Request by Los Angeles Unified School District to waive California Education Code Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from San Fernando Middle School and Lincoln High School to follow identified students who will be transferring to San Fernando Institute of Applied Learning and Leadership in Entertainment and Media Arts to ensure that they will not lose the benefits of the Quality Education Investment Act.
Waiver Number: 71-10-2010
(Recommended for DENIAL)

The item was withdrawn by the district, to be rescheduled for the September 7-8, 2011, State Board of Education meeting.

REGULAR CONSENT CALENDAR

The following items were proposed for the regular (non-waiver) consent calendar: 6, 8, 9, 10, 11, and 12.

ACTION: Member Rucker moved to approve the consent calendar items as recommended by CDE, with a technical correction to Item 12. Member Ramos seconded the motion.

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

No votes: None.

Item 6
Subject: Inclusion of Middle School Dropouts in the Academic Performance Index – Adopt Amendments to California Code of Regulations, Title 5, Section 1039.1.

Item 8
Subject: Assignment of Numbers for Charter School Petitions.
Item 9  
**Subject:** Approval of 2010-11 Consolidated Applications.

Item 10  
**Subject:** State Instructional Materials Fund – Approve Tentative Encumbrances and Allocations for Fiscal Year 2011-12.

Item 11  
**Subject:** Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

Item 12  
**Subject:** School Accountability Report Card: Approval of the 2010–11 Template.

END OF CONSENT CALENDAR

Item 13  
**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.

No action was taken on this item.

***ADJOURNMENT OF DAY’S SESSION***

Public Session  
July 14, 2011

CLOSED SESSION  
There was no Closed Session.

Item 14  
**Subject:** Update on and Discussion of the Activities of the California Department of
Education and State Board of Education Regarding Implementation of the Common Core State Standards.

No action was taken.

Superintendent’s Report

No action was taken.

Item 15

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; update on litigation; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

ACTION: Member Williams moved to reappoint the following members of the Advisory Commission on Charter Schools and allow them to continue serving out their current two year terms ending on December, 31, 2012:

1. Vicki Barber, County Superintendent of Schools, El Dorado County, representing county superintendents;
2. Brian Bauer, Executive Director, Granada Hills Charter High School, representing charter school principals;
3. Gary Davis, representing parents; and

Member Williams also moved to appoint the following new members to serve the remainder of 2011 and to begin to serve a two year term ending December 31, 2013:

2. John Porter, Superintendent, Franklin McKinley School District, representing superintendents;
3. Mark Ryan, Superintendent, Oakland Military Institute, representing charter school administrators; and
4. Christopher Thomsen, Member, Sequoia Union High School District Governing Board, representing board members.

Member Cohn seconded the motion.

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

No vote: None.

Not present: Member Ramos

**ACTION:** Member Chan moved to appoint Maureen Burness and Susan Martinez to serve a four year term on the Advisory Commission on Special Education. Member Cohn seconded the motion.

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

No vote: None.

Not present: Member Ramos.

**ACTION:** Member Chan moved to adopt the draft minutes for the July 2010; August 2, 2010; August 24, 2010; September 2010; November 2010; December 2010; January 2011; February 2011; March 2011, April 21, 2011; and May 2011.

Member Cohn seconded the motion.

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

No vote: None.

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**Item 16**

**Subject:** Review of Chronic Absence Data in Early Grades to Reduce the Number of California Dropouts.

*No action was taken on this item.*

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**Item 17**
**Subject:** Proposed Formation of the Bonsall Unified School District from the Bonsall Union School District and that Portion of the Fallbrook Union High School District in San Diego County.

**ACTION:** Member Strauss moved to move the unification process forward, to allow Bonsall Unified School District to conduct and fund the CEQA study upon approval of Bonsall’s governing board, with the understanding that the full issue may return to the SBE at a future date.

Member Chan seconded the motion.

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

No vote: None.

Not present: Member Ramos

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***PUBLIC HEARINGS***

**Item 18**

**Subject:** Kingsburg Elementary Charter School District: Consideration of Petition to Renew Districtwide Charter.

**ACTION:** Member Chan moved to renew the Kingsburg ECSD charter renewal petition for a five-year charter term beginning July 1, 2011, and ending June 30, 2016, with the following provisions recommended by CDE:

- Modifications to the charter in accordance with the CDE report as set forth in detail in Attachment 1 and as follows:
  - Health and Safety Procedures, EC Section 47605(b)(5)(F): revisions to health and safety procedures to include the requirement that volunteers and contractors, in addition to employees, will submit a tuberculosis test and periodic testing thereafter.

Member Strauss seconded the motion.

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

No vote: None.

Not present: Member Ramos
Item 19

Subject: California College, Career, and Technical Education Center: Consider Issuing a Notice of Violation Pursuant to Education Code Section 47607(d).

ACTION: Member Aschwanden moved to approve CDE’s recommendation to issue a Notice Violation pursuant to Education Code (EC) Section 47607(d) to the California College, Career, and Technical Education Center (CCCTEC). Member Rucker seconded the motion.

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

No vote: None.

Not present: Member Ramos

***END OF PUBLIC HEARINGS***

Item 20


ACTION: Member Chan moved to approve the Request for Proposals (RFP), Evaluation of California’s Public Charter Schools Grant Program (PCSGP), 2010–2015, to be amended to include a focus on an evaluation of CDE’s administration of the grant in the “Purpose” section, and in other relevant areas of the grant.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Williams, Straus, Molina, Rucker.

No vote: None.

Not present: Members Kirst, Ramos

Item 21

Subject: Charter Renewal: Approve Commencement of Third 15-Day Public
Comment Period for Proposed Changes to the *California Code of Regulations*, Title 5, sections 11966.5, and 11967.

**ACTION:** Member Chan moved to adopt CDE’s recommendation to take the following actions:

- Approve the proposed changes to the proposed regulations;
- Direct that the proposed changes be circulated for a third 15-day public comment period in accordance with the Administrative Procedure Act;
- If no relevant comments to the proposed changes are received during the third 15-day public comment period, the proposed amendments with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and submit it to the Office of Administrative Law (OAL) for approval and provide an update of the status at the SBE’s next regularly scheduled board meeting;
- If any relevant comments to the proposed changes are received during the third 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s September 2011 agenda for action; and
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Williams, Straus, Molina.

No vote: Member Rucker.

Not present: Members Kirst, Ramos

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**Item 22**

**Subject:** Charter Revocation and Revocation Appeals – Approve Commencement of a Third 15-Day Public Comment Period for Proposed Amendments to *California Code of Regulations*, Title 5, sections 11965, 11968.1, 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5, and 11969.1 and Authorize a Request to the Office of Administrative Law for an Extension of the 120-Day Deadline to Resubmit the Rulemaking File.

**ACTION:** Member Rucker moved to adopt CDE’s recommendation to take the
following actions:

- Approve the proposed changes to the proposed regulations;

- Direct that the proposed changes be circulated for a third 15-day public comment period in accordance with the Administrative Procedure Act;

- If no relevant comments to the proposed changes are received during the third 15-day public comment period, the proposed regulations with changes are deemed adopted, and the CDE is directed to complete the rulemaking package and resubmit it to the Office of Administrative Law (OAL) for approval;

- If any relevant comments to the proposed changes are received during the third 15-day public comment period, the CDE is directed to place the proposed regulations on the SBE’s September 2011 agenda for action; and

- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

- Authorize the CDE to submit a request to OAL extending the 120-day timeline for resubmission of the rulemaking file because the 120-day time period will expire on July 23, 2011.

Member Cohn seconded the motion.

Yes votes: Members Aschwanden, Chan, Cohn, Williams, Straus, Molina, Rucker.

No vote: None.

Not present: Members Kirst, Ramos

Item 23


ACTION: Member Aschwanden moved to approve the requests as recommended by the CDE and the Advisory Commission on Charter Schools (ACCS). Member Rucker seconded the motion.
Yes votes: Members Aschwanden, Chan, Cohn, Williams, Straus, Molina, Rucker.

No vote: None.

Not present: Members Kirst, Ramos

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**Item 24**

**Subject:** Consideration of Requests From Nonclassroom-based Charter Schools for “Reasonable Basis”/Mitigating Circumstances Changes in Funding Determinations Based on the *California Code of Regulations*, Title 5, Section 11963.4(e) for Academy of Personalized Learning, Golden Valley Virtual Charter, California Virtual Academy Los Angeles, Mark West Charter, Merced Scholars Charter, Mountain Peak Charter, Independence Charter and Sherman Thomas Charter.

**ACTION:** Member Rucker moved to approve 100 percent of funding requests as recommended by CDE (as detailed in Attachment 1 for Item 24). Member Molina seconded.

Yes votes: Members Aschwanden, Chan, Cohn, Williams, Straus, Molina, Rucker.

No votes: None.

Not present: Members Kirst, Ramos

***ADJOURNMENT OF MEETING***
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<th>MEMBER COMMITTEES</th>
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<td><strong>Screening Committee, State Board of Education</strong>&lt;br&gt;(required, SBE Bylaws, Art. VI, Sec. 1)</td>
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<td>Ilene Straus, Chair</td>
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<td>Jim Aschwanden</td>
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<td><strong>Advisory Commission on Charter Schools (ACCS)</strong>&lt;br&gt;(EC 33031 and 47634.2(b)(1))</td>
<td>Yvonne Chan&lt;br&gt;Trish Williams</td>
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<td><strong>Advisory Commission on Special Education (ACSE)</strong>&lt;br&gt;(EC 33590)</td>
<td>Yvonne Chan</td>
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<td>Ilene Straus</td>
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<td><strong>California Commission on Teacher Credentialing (CCTC)</strong>&lt;br&gt;(required, SBE Bylaws, Art.XII, Sec. 1 (d))</td>
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<td>Yvonne Chan</td>
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Joint Advisory Committee on Career Technical Education
(EC 12053)

Jim Aschwanden
Ilene Straus
James Ramos

Striving Readers State Literacy Plan (SRCL)
(Part of the Consolidated Appropriations Act of 2010 (Pub. L. No. 111-117) under the Title I demonstration authority (Part E, Sec. 1502 of the ESEA))

Aida Molina

Trustees of the California State Summer School for the Arts
(EC 8952.5)

Carl Cohn
Vacant

WestEd
(SBE Bylaws reference WestEd’s Joint Powers Agreement)

Glen W. Thomas
Thomas Timar
Vacant
Jorge O. Ayala

MEMBER LIAISON ASSIGNMENTS
(Functional Areas)

Alisal Union Elementary School District State Trustee

Michael Kirst

Assessment and Accountability
(discretionary, SBE Bylaws, Art. VI, Sec. 2)

Ilene Straus
Carl Cohn

Greenfield Union Elementary School District State Trustee

Michael Kirst
Legislation, State Board of Education
(discretionary, SBE Bylaws, Art. VI, Sec. 2)

Michael Kirst

Round Valley Unified School District State Trustee

Jim Aschwanden
James Ramos

Waivers
(discretionary, SBE Bylaws, Art. VI, Sec. 2)

Patricia Rucker
CALIFORNIA STATE BOARD OF EDUCATION  
SEPTEMBER 2011 AGENDA

SUBJECT
Assessment and Accountability Update, Including, but Not Limited to, Standardized Testing and Reporting Results, California High School Exit Examination Results, and the Accountability Progress Reporting System 2011 Release.

RECOMMENDATION
The California Department of Education (CDE) recommends that the State Board of Education (SBE) take action as deemed necessary and appropriate. There is no specific action recommended at this time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION
The CDE has provided the results of the Standardized Testing and Reporting (STAR) and California High School Exit Examination (CAHSEE) administrations, as well as the Accountability Progress Reporting (APR) system that includes results from the 2011 Growth Academic Performance Index (API), 2011 Adequate Yearly Progress (AYP), and 2011–12 Program Improvement (PI) Reports to the SBE annually.

SUMMARY OF KEY ISSUES
STAR
On August 15, 2011, State Superintendent of Public Instruction (SSPI) Tom Torlakson is scheduled to release the 2011 STAR Program results. The news release and accompanying summary of results, Attachments 1 and 2, will be provided as an Item Addendum.

The STAR Program consists of the California Standards Test (CST), California Modified Assessment (CMA), California Alternate Performance Assessment (CAPA), and the Standards-based Tests in Spanish (STS). The results of the CSTs, the CMA, and the CAPA are the major components used to calculate the API for local educational agencies (LEAs), schools, and subgroups. These results also are used to determine whether elementary and middle schools have made AYP as required by the federal Elementary and Secondary Education Act. The grade ten CAHSEE results are used in conjunction with the CAPA results to meet this requirement for high schools.
SUMMARY OF KEY ISSUES (Cont.)

The 2011 STAR Program results for LEAs, schools, counties, and the state are available on the CDE STAR Web site at http://star.cde.ca.gov and include test results for more than 4.7 million students.

CAHSEE
On August 24, 2011, SSPI Tom Torlakson is scheduled to release the annual summary results from the 2010–11 CAHSEE administration on the CDE DataQuest Web page at http://dq.cde.ca.gov/dataquest/. The news release and accompanying summary of results, Attachments 5 and 6, will be provided as an Item Addendum. The CDE CAHSEE Web page at http://www.cde.ca.gov/ta/tg/hs/ will display:

- Summary results for the July, October, November, and December 2010 administrations, as well as the February, March, and May 2011 administrations
- Summary results at the school, school district, county, and state levels
- Summary results for students by grade, gender, race/ethnicity, language fluency, socioeconomic status, and special education program participation
- Summary reports by economic status and race/ethnicity by county and school district

APR System
On August 31, 2011, SSPI Tom Torlakson is scheduled to release the 2010–11 APR system results on the CDE APR Web page at http://www.cde.ca.gov/ta/ac/ar/. The APR system generates reports that meet state as well as federal accountability requirements. The summary of APR results includes the proportion of:

- Schools that made all state API growth targets
- Schools that met federal AYP requirements
- Federal Title I schools and LEAs in California that are identified for PI

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with the activities related to the:

- Recent STAR administrations are included in the current STAR contract
- Recent CAHSEE administrations are included in the current Educational Testing Service and Human Resources Research Organization contracts
- APR system are included in the Assessment and Accountability Division’s budget
ATTACHMENT(S)

Attachment 1: News Release: State Schools Chief Tom Torlakson Releases 2011 STAR Program Results (3 Pages).


Attachment 4: 2010–11 CAHSEE Annual Summary of Results (11 Pages).

Attachment 5: News Release: State Schools Chief Tom Torlakson Releases 2010–11 Accountability Progress Report will be provided in an Item Addendum.

Attachment 6: 2010–11 Accountability Progress Reporting (APR) System: Summary of Results will be provided in an Item Addendum.
2011 STAR Results Show Steady Improvement Statewide

RESEDA—California’s students continue to steadily improve their performance across the board, with a larger proportion than ever scoring proficient or higher on the 2011 Standardized Testing and Reporting (STAR) Program exams in English-language arts, mathematics, science, and history–social science, State Superintendent of Public Instruction Tom Torlakson announced today.

Approximately 4.7 million students participated in the 2011 STAR program, with 54 percent scoring proficient or above in English-language arts and 50 percent scoring at proficient or above in mathematics, the highest percentage since the program’s inception in 2003.

The full results can be found on the California Department of Education Standardized Testing and Reporting Web page at http://star.cde.ca.gov/.

“The significant and sustained improvements we’ve seen for nine consecutive years prove how hard teachers, school employees, administrators, and parents are working to help students achieve despite budget cuts that have affected our schools,” Torlakson said. “Their heroic teamwork is paying off for California.”

Coming a week after the release of his Transition Advisory Team’s report, A Blueprint for Great Schools focusing on preparing students to succeed in the global economy, Torlakson also noted that the STAR results show more students both taking and scoring as proficient or above in science and mathematics areas.

Some 55 percent of students taking the Summative High School Mathematics exam scored proficient or above and 49 percent of students taking the biology exam scored proficient or above.
“California had 44,000 more students proficient in Summative High School Mathematics and 147,000 more students testing proficient in biology than just eight years ago,” Torlakson said. “That’s significant progress, and it shows the enormous potential we have to accomplish even more as we carry out the Blueprint for Great Schools and focus on preparing even more students to thrive in our competitive economy.”

While the STAR results show an increase in proficiency levels among all subgroups, a troubling and persistent achievement gap exists for African American, Latino, English-learner, and low-income students, compared to their peers.

“We have more work to do to make sure every student receives the world-class education he or she deserves and has the opportunity to achieve their dreams and contribute to the success of our state,” Torlakson said. “I’m committed to that effort—and to working with California’s leaders to provide our schools and our communities with the resources they need.”

Under the STAR program, California students attain one of five levels of performance for each subject tested: advanced, proficient, basic, below basic, and far below basic.

The State Board of Education has established the “proficient” level as the desired achievement goal for all students. That level represents a solid performance in which students demonstrate a competent and adequate understanding of the knowledge and skills measured by the assessment at a particular grade, in a particular content area. This achievement goal is consistent with school growth targets for state accountability and requirements of the federal Elementary and Secondary Education Act. The state target is for all students to score at the proficient or advanced level.

In the nine years since all the CSTs have been completely aligned to the California content standards, the percentage of students scoring at the proficient or advanced level increased by 19 points in English–language arts, or from 35 percent to 54 percent (Table 1); and 15 points in mathematics, from 35 percent to 50 percent (Table 6).

Since last year, the percentage of students at or above the proficient level increased by 2 points in English–language arts and 2 points in mathematics (Table 1 and Table 6, respectively).
The STAR Program consists of the following exams:

- California Standards Tests (CSTs), standards-based tests that measure the achievement of state content standards for English–language arts, mathematics, science, and history–social science.

- California Modified Assessment (CMA), designed for students with disabilities whose individualized education program team determines that the CMA is appropriate and who meet State Board of Education-adopted eligibility criteria. The CMA is designed to provide students an accessible assessment of their achievement of the California content standards for English–language arts, mathematics, and science.

- California Alternate Performance Assessment (CAPA), for students who have significant cognitive disabilities and assesses them in the content areas of English–language arts, mathematics, and science.

- Standards-based Tests in Spanish (STS), for Spanish-speaking, English learner students who either receive instruction in Spanish or have been enrolled in a school in the United States for less than 12 months. The STS assesses these students in reading/language arts and mathematics. Students who complete the STS also complete the CST and/or CMA for their grade level.

The results of these exams, with the exception of the STS, are included in state and federal accountability reports. Students who complete the STS also complete the CST and/or CMA for their grade level.

###

The California Department of Education (CDE) is a state agency led by State Superintendent of Public Instruction Tom Torlakson. For more information, please visit [http://www.cde.ca.gov](http://www.cde.ca.gov) or by mobile device at [http://m.cde.ca.gov](http://m.cde.ca.gov). You may also follow Superintendent Torlakson on Twitter at [http://www.twitter.com/TorlaksonSSPI](http://www.twitter.com/TorlaksonSSPI) and Facebook at [http://www.facebook.com/CAEducation](http://www.facebook.com/CAEducation).
Standardized Testing and Reporting (STAR) Program:

Summary of 2011 Results

Background

- The 2011 STAR Program consists of four key components, including the California Standards Tests (CSTs); the California Modified Assessment (CMA); the California Alternate Performance Assessment (CAPA); and the Standards-based Tests in Spanish (STS).

- In spring 2011, the following CSTs were required for all students:
  - English-language arts (ELA) for grades two through eleven;
  - Mathematics for grades two through nine;
  - Science for grades five, eight, and ten (life science);
  - History–social science for grades eight and eleven (U.S. history).

- Students also were able to take end-of-course tests in mathematics (grades seven through eleven), science (grades nine through eleven), and history–social science (grades nine through eleven) if they were scheduled to complete the corresponding courses by the end of the school year.

- In 2011, students who had an individualized education program (IEP) and met the State Board of Education-adopted eligibility criteria were able to take the CMA for ELA in grades three through eleven, the CMA for mathematics in grades three through eleven, the CMA for Algebra I, the CMA for Geometry, and the CMA for science in grades five, eight, and ten (life science) instead of the corresponding grade-level and content-area CSTs. Students in grade eight who took the CMA for ELA and/or science were also required to take the CST for history–social science.

- Students with disabilities who were unable to take the CSTs with accommodations or modifications or were unable to take the CMA with accommodations took the CAPA in ELA, mathematics, and science (approximately 1 percent of the tested population).

- Spanish-speaking English learners (ELs) who either received instruction in Spanish or were enrolled in a school in the United States for less than 12 months were required to take the STS in addition to the CSTs or CMA. At the option of the school district, schools may have also tested Spanish-speaking ELs who had been in school in the United States 12 months or more who were not receiving instruction in Spanish.

Reporting STAR Program Results

- Five performance levels are used for reporting the results for all assessments in the STAR Program: advanced, proficient, basic, below basic, and far below basic. The state target is for all students to score at the proficient level or above.
(advanced). The percentage of students scoring at each performance level is reported by grade and subject for all students and for student subgroups.

- With the inclusion of the CMA in the STAR Program, caution may be needed when interpreting STAR results at the district and school levels, depending on the number of students who were assessed using the CMA.

- Because the grade ten and eleven CMA for ELA and the CMA for Geometry are in the standard-setting process, the proficiency levels for these assessments have not yet been assigned. Student reports, therefore, will show only raw scores and the percent of items correct in those grades and subjects.

Summary of CST Results

A summary of statewide student performance on the CSTs follows, organized by content area. Note that while final data for years 2003 through 2010 are available, the results reported for 2011 are preliminary and include only the results for students who tested through June 30, 2011.

English–Language Arts

- This year, students in nearly every grade level showed an increase in the percentage of students scoring at the proficient level and above on the ELA CSTs with the exception of grade six.

- The percentage of students in grades two through eleven scoring at the proficient level and above increased approximately 19 percentage points between 2003 and 2011. The one-year increase in 2011 was 2 percentage points (see Table 1).

- Since 2003, the percentage of students scoring at the proficient level and above in grade eight has increased by 26 percentage points; in grade four by 25 percentage points; in grade five by 23 percentage points; in grade seven by 21 percentage points; and in grade two by 20 percentage points. In 2011, grades two, eight, and ten showed the greatest one-year increase of 3 percentage points (see Table 1).

- The percentage of students in grades two through eleven scoring at the below basic and far below basic levels decreased approximately 13 percentage points between 2003 and 2011 (see Table 2).

- The percentage of students scoring at the below basic and far below basic levels in grade eight decreased by 17 percentage points since 2003. Grade seven showed the next greatest decrease in the percentage scoring below basic and far below basic with a decrease of 15 percentage points. The greatest one-year decrease of 4 percentage points was shown by students in grade eleven. The next greatest one-year decrease of 3 percentage points was shown by students in grades nine and ten (see Table 2).

- Filipino students showing the greatest improvement since 2003 in achieving the proficient level and above (an increase of 23 percentage points). Hispanic or
Latino students increased their achievement of the proficient level and above by 22 percentage points. Asian students increased their achievement of the proficient level and above by 21 percentage points. Black or African American students increased their achievement of the proficient level and above by 19 percentage points. Native Hawaiian or Pacific Islander students and White students increased their achievement of the proficient level and above by 18 percentage points. American Indian or Alaskan Native students increased their achievement of the proficient level and above by 16 percentage points (see Table 3).

- For 2011, the percentage of not economically disadvantaged Black or African American students achieving the proficient level and above is the same as the percentage of economically disadvantaged white students (53 percent). The percentage of not economically disadvantaged Hispanic or Latino students achieving the proficient level and above (57 percent) is four points above that of the economically disadvantaged white students (see Tables 4 and 5).

Mathematics

- In 2011, the percentage of students scoring at the proficient level and above in mathematics showed a one-year increase of approximately 2 percentage points. From 2003 to 2011, the overall percentage of students scoring at the proficient level and above increased by 15 percentage points (see Table 6).

- From 2010 to 2011, all grade-level and end-of-course results showed an increase in the percentage of students scoring at the proficient level and above. The largest one-year increase was 4 percentage points in grade two and in Geometry, increasing from 62 percent to 66 percent of students in grade two and from 27 percent to 31 percent of students taking the CST for Geometry (see Table 6).

- Between 2003 and 2011, the increase in the percentage of students in grades two through seven taking the grade-level mathematics CSTs and achieving the proficient level and above reached double digits: grade five, 28 percentage points; grade four, 26 percentage points; grade three, 22 percentage points; grade seven, 20 percentage points; grade six, 19 percentage points; and grade two, 13 percentage points. During the same time period, the increase in the percentage of students achieving the proficient level and above on the CST for Algebra I and Summative High School Mathematics also reached double digits, with an increase of 11 percentage points and 12 percentage points respectively (see Table 6).

- In 2011, the percentage of students scoring at the below basic and far below basic levels in mathematics showed a one-year decrease of approximately 1 percentage point. From 2003 to 2011, the overall percentage of students scoring at the below basic and far below basic levels decreased by 11 percentage points (see Table 7).
• The number of students taking the CST for Algebra I showed, continuing last year's trend, a decrease of 11,276 between 2010 and 2011. The number of students taking the CST for Geometry showed a first-time decrease, which numbered 2,112. The numbers of students taking the CSTs for Algebra II and Summative High School Mathematics continued an upward trend, with an increase of 12,233 and 9,358, respectively (see Table 8).

• The subgroups of students showing the greatest one-year improvement in 2011 in achieving the proficient level and above were economically disadvantaged students, students receiving special education services, and English learners, with an increase of 3 percentage points each (see Table 9).

• The racial/ethnic subgroups of students showing the greatest improvement since 2003 in the percentage of students scoring at the proficient level and above were Filipino students and Hispanic or Latino students, with an increase of 18 percentage points. Asian students increased their achievement of the proficient level and above by 16 percentage points, followed by Black or African American students and Native Hawaiian or Pacific Islander students by 15 percentage points. White students increased their achievement of the proficient level and above by 14 percentage points. American Indian or Alaska Native students increased their achievement of the proficient level and above by 11 percentage points (see Table 9).

• For 2011, the percentage of not economically disadvantaged Black or African American students achieving the proficient level and above (40 percent) is seven percentage points lower than economically disadvantaged white students. The percentage of not economically disadvantaged Hispanic or Latino students achieving the proficient level and above (48 percent) is one point above that of the economically disadvantaged white students (see Tables 10 and 11).

Science

• In 2011, the percentage of students scoring at the proficient level and above across all grade-level tests increased by 3 percentage points. Grade five showed an increase of 3 percentage points and grades eight and ten showed the greatest one-year increase of 4 percentage points each. Notable gains were also seen in all grade levels since the assessments were first administered (see Table 12).

• From 2010 to 2011, all grade-level and end-of-course results showed an increase in the percentage of students scoring at the proficient level and above. The largest one-year increase was 4 percentage points in grades eight, ten, and in Integrated 2, increasing from 59 percent to 63 percent of students in grade eight, from 46 percent to 50 percent of students in grade ten, and from 15 percent to 19 percent of students taking the Integrated 2 (see Tables 12 and 13).

• The percentage of students achieving at the proficient level and above has increased on all end-of-course tests since 2003, with the greatest increase has been on the CST for Physics, at 23 percentage points during that time period.
Gains for all of the end-of-course tests made between 2010 and 2011 were 3 percentage points, while those same tests showed gains of 14 percentage points between 2003 and 2011 (see Table 13).

- In 2011, approximately 1.2 million students in grades nine through eleven took science end-of-course CSTs. Between 2010 and 2011, the number of students taking the CST for Biology increased by 6,715, and the number of students taking the CST for Chemistry increased by 8,474. Since 2003, the number of students taking the CST for Biology has increased by 218,801, the greatest increase among the science end-of-course CSTs. Though the number of test-takers is decreasing over the past two years, for Earth Science, there is an increase of 126,180 students taking that test since 2003. Within the same period, notably, the number of students taking the CST for Chemistry increased by 111,866 (see Table 14).

**History–Social Science**

- The number of students who scored at the proficient level and above on the grade-eight CST for History–Social Science increased by 3 percentage points between 2010 and 2011 and by 23 percentage points between the years of 2003 and 2011 (see Table 15).

- In 2011, the number of students achieving the proficient level and above on the grade-eleven CST for U.S. History increased by 3 percentage points, a gain of 14 percentage points between the years of 2003 and 2011 (see Table 15).

- The percentage of students in grades nine, ten, and eleven achieving the proficient level and above on the end-of-course CST for World History increased by 2 percentage point between 2010 and 2011 yet gained 17 percentage points between the years 2003 and 2011 (see Table 15).

**Summary of CMA Results**

- The CMA was first administered in grades three through five in 2008, grades six through eight in 2009, grade nine in 2010, and grades ten and eleven in 2011.

- The percentage of students scoring at the proficient level and above on the CMA for ELA in grades four, five, and eight increased by 5 percentage points (see Table 16).

- From 2010 to 2011, the largest increases in the percentage of students scoring at the proficient level and above were for the CMA for mathematics in grade five, at 7 percentage points; and for science in grade eight, at 6 percentage points (see Table 16).

- Since 2008, performance in grade five on the CMA for Mathematics has increased by 15 percentage points (see Table 16).
Summary of STS Results

- From 2010 to 2011, the majority of the STS results for reading/language arts (RLA) and mathematics showed an increase in the percentage of students scoring at the proficient level and above. The largest increase in the percentage of students scoring at the proficient level and above was in mathematics for grade seven at 5 percentage points (see Table 17).

- From 2008 to 2011, the largest increase in the percentage of students scoring at the proficient level and above for RLA was 7 percentage points in grade four, from 30 to 37 (see Table 17).

- From 2008 to 2011, the largest increase in students achieving at the proficient level and above in mathematics was in grade four, which increased by 10 percentage points, from 48 to 58. Grades two and three mathematics showed increases of 7 and 6 percentage points respectively (see Table 17).
Standardized Testing and Reporting (STAR) Program:  
Summary of 2011 Results

Standardized Testing and Reporting (STAR) Program  
California Standards Test Results, 2003–2011

English–Language Arts

Table 1: Percentage of Students Scoring at Proficient and Above*

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## California Standards Test Results, 2003–2011

### English–Language Arts

**Table 2: Percentage of Students Scoring at Below Basic and Far Below Basic***

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California Standards Test Results, 2003–2011

English–Language Arts

Table 3: Percentage of Students Scoring at Proficient and Above by Subgroup*

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**Ethnicity and race categories changed in 2010 and 2011 to meet federal requirements. Use caution when comparing to previous years.
California Standards Test Results, 2003–2011

English–Language Arts

Table 4: Percentage of Economically Disadvantaged Students Scoring at Proficient and Above*

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**Ethnicity and race categories changed in 2010 and 2011 to meet federal requirements. Use caution when comparing to previous years.

Table 5: Percentage of Not Economically Disadvantaged Students Scoring at Proficient and Above*

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*Data for 2003 through 2010 are final statewide results. The 2011 data are preliminary and include results for approximately 99% of the students in grades two through eleven. Complete results will be available during September 2011. This table includes results from the California Standards Tests (CSTs) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

**Ethnicity and race categories changed in 2010 and 2011 to meet federal requirements. Use caution when comparing to previous years.
## California Standards Test Results, 2003–2011

### Mathematics

Table 6: Percentage of Students Scoring at Proficient and Above*

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**Data shows changes between 2007 and 2011.

†Prior to 2007, Algebra I was an end-of-course test for grades eight through eleven students. Beginning in 2007, students in grades seven were allowed to take the Algebra I test.

Note: The results for Integrated Mathematics 2 and 3 are not reported due to the small numbers of test-takers.
### California Standards Test Results, 2003–2011

### Mathematics

**Table 7: Percentage of Students Scoring at Below Basic and Far Below Basic**

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</table>

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†Prior to 2007, Algebra I was an end-of-course test for grades eight through eleven students. Beginning in 2007, students in grades seven were allowed to take the Algebra I test.

Note: The results for Integrated Mathematics 2 and 3 are not reported due to the small numbers of test-takers.
California Standards Test Results, 2003–2011

Mathematics

Table 8: Numbers of Students Tested*

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<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Change in Number 2010-2010†</th>
<th>Change in Number 2003-2011</th>
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<td>196,079</td>
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<td>265,517</td>
<td>277,750</td>
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†The CMA was introduced in 2008. As a result, an estimated 16,800 students in grades seven through eleven are now taking a CMA mathematics test. These students are not included in this table.
## California Standards Test Results, 2003–2011
### Mathematics

**Table 9: Percentage of Students Scoring at Proficient and Above by Subgroup**

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</table>

*Data for 2003 through 2010 are final statewide results. The 2011 data are preliminary and include results for approximately 99% of the students in the state. Complete results will be available during September 2011. This table includes results from the California Standards Tests (CSTs) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

**Ethnicity and race categories changed in 2010 and 2011 to meet federal requirements. Use caution when comparing to previous years.*
## California Standards Test Results, 2003–2011

### Mathematics

#### Table 10: Percentage of Economically Disadvantaged Students Scoring at Proficient and Above*

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<td>Two or More Races</td>
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*Data for 2003 through 2010 are final statewide results. The 2011 data are preliminary and include results for approximately 99% of the students in the state. Complete results will be available during September 2011. This table includes results from the California Standards Tests (CSTs) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

**Ethnicity and race categories changed in 2010 and 2011 to meet federal requirements. Use caution when comparing to previous years.

#### Table 11: Percentage of Not Economically Disadvantaged Students Scoring at Proficient and Above*

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<td>62</td>
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</table>

*Data for 2003 through 2010 are final statewide results. The 2011 data are preliminary and include results for approximately 99% of the students in the state. Complete results will be available during September 2011. This table includes results from the California Standards Tests (CSTs) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

**Ethnicity and race categories changed in 2010 and 2011 to meet federal requirements. Use caution when comparing to previous years.
## California Standards Test Results, 2004–2011

### Science—Grade Level Tests

#### Table 12: Percentage of Students Scoring at Proficient and Above

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<td>22**</td>
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</tbody>
</table>

*The Grade Five California Science Standards Test was first administered in spring 2004. The Grade Eight and the Grade Ten California Life Science Standards Tests were first administered during spring 2006.

**Data show changes between 2006 and 2011.

†Data for 2004 through 2010 are final statewide data. The 2011 data are preliminary and include results for approximately 99% of the students in the state. Complete results will be available during September 2011. This table includes results from the California Standards Tests (CSTs) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

### Science—End-of-Course Tests (Grades Nine Through Eleven)

#### Table 13: Percentage of Students Scoring at Proficient and Above

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<td>Integrated 1</td>
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<td>11</td>
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<td>13</td>
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<tr>
<td>Integrated 2</td>
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<td>State Total for End-of-Course Tests</td>
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</table>

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Note: The results for Integrated Science 3 and 4 are not reported due to the small numbers of test-takers.
### California Standards Test Results, 2003–2011

#### Science—End-of-Course (Grades Nine Through Eleven)

#### Table 14: Numbers of Students Tested*

<table>
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<td>525,332</td>
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<td>546,091</td>
<td>552,806</td>
<td>6,715</td>
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<td>Physics</td>
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<td>1,040</td>
<td>817</td>
<td>960</td>
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<td>624</td>
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</table>

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### History–Social Science

#### Table 15: Percentage of Students Scoring at Proficient and Above*

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<td>World History (End-of-Course)*</td>
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</table>

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*Prior to 2007, the world history test was an end-of-course test for grade ten students only. Starting in 2007, students in grades nine through eleven took the end-of-course world history.
Table 16: Percentage of Students Scoring at Proficient and Above*

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<td>34</td>
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<td>2**</td>
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<td>--</td>
<td>18</td>
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</tr>
</tbody>
</table>

*Data for 2008 through 2010 are final statewide results. The 2011 data are preliminary and include results for approximately 99% of the students in the state. Complete results will be available during September 2011. This table includes results from the California Modified Assessment (CMA) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

**Data show changes between 2009 and 2011.
Standardized Testing and Reporting (STAR) Program

Table 17: Percentage of Students Scoring at Proficient and Above*

<table>
<thead>
<tr>
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<td>28</td>
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<td>2**</td>
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<td>--</td>
<td>30</td>
<td>29</td>
<td>32</td>
<td>3</td>
<td>2**</td>
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<tr>
<td>Grade 7</td>
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<td>31</td>
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<td>56</td>
<td>58</td>
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<td>Grade 5</td>
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<td>42</td>
<td>45</td>
<td>49</td>
<td>4</td>
<td>7**</td>
</tr>
<tr>
<td>Grade 6</td>
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<td>36</td>
<td>39</td>
<td>35</td>
<td>-4</td>
<td>-1**</td>
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<td>Grade 7</td>
<td>--</td>
<td>24</td>
<td>26</td>
<td>30</td>
<td>4</td>
<td>6**</td>
</tr>
</tbody>
</table>

*Data for 2008 through 2010 are final statewide results. The 2011 data are preliminary and include results for approximately 99% of the students in the state. Complete results will be available during September 2011. This table includes results from the Standards-based Tests in Spanish (STS) only. Percentages included in this table may differ from the percentages printed on the Internet reports due to rounding.

**Data show changes between 2009 and 2011.

Students who completed the STS also completed the grade-level CST and/or CMA (if designated in the student’s IEP). Results from the STS are not used in state and federal accountability calculations.
2010–11 California High School Exit Examination Results Released; Achievement Gap Continues to Narrow

SACRAMENTO — Nearly 95 percent of students from the Class of 2011 met the California High School Exit Examination (CAHSEE) requirement, and tests administered over the last school year also showed improvement among the state’s African American and Hispanic students, State Superintendent of Public Instruction Tom Torlakson announced today.

“It is heartening to see that our students continue to learn and achieve despite the painful toll that budget cuts are taking on our schools,” Torlakson said. “The results of this year’s exit examination—and the progress schools are making to close the achievement gap—are yet another sign of the remarkable commitment that teachers, school employees, and administrators have to the students of California.”

The results are posted on the CDE Web site at http://cahsee.cde.ca.gov/.

The 2010–11 exam results show increasing passing rates among most demographic subgroups of students by the end of their senior year. Overall, approximately 94.6 percent or 422,558 students in the Class of 2011 successfully passed both the English-language arts (ELA) and the mathematics portions of the CAHSEE by the end of their senior year (See Tables 1 and 3).

This year’s overall passing rate did not include students with disabilities as these students are currently exempt from meeting the CAHSEE requirement, except for taking the exam in grade ten to meet state and federal requirements. Many of the students, however, continue to take the exam. For the Class of 2011, the passing rate for students with disabilities was 54.6 percent compared to 47.8 percent for students with disabilities from the Class of 2006 (See Table 3).
From the Class of 2011, the percentage of African American students meeting the CAHSEE requirement was 90.9 percent compared to last year’s 89.6 percent; Hispanic students: 92.3 percent over last year’s 91.4 percent; Asian students: 97.7 percent over 97.4 percent; and white students: 98.4 percent over 98.1 percent (See Table 3).

The gap between Hispanic and white students has narrowed by 11.6 percentage points from the Class of 2006, the first class required to meet the CAHSEE requirement to the Class of 2013 (who were tenth graders this past school year) for the ELA portion of the CAHSEE. For the mathematics portion, the gap between Hispanic and white students has narrowed by 12 percentage points from the Class of 2006 to the Class of 2013 (See Table 6).

Similarly, the gap between African American and white students has narrowed by 6.5 percentage points from the Class of 2006 to the Class of 2013 in ELA. And in mathematics, the gap between African American and white students has narrowed by 9.9 percentage points from the Class of 2006 to the Class of 2013 (See Table 7).

Comparing only Hispanic students in the Class of 2011 to the Class of 2010, there is a 0.9 percentage point increase in passage rate; while comparing the Hispanic population in the Class of 2011 to the Class of 2006, there is an increase of 6.8 percentage points in the passing rate (See Table 3).

African American students in the Class of 2011 display the largest increase in passing rates of 1.3 and 7.2 percentage points, respectively when compared to African American students in the Classes of 2010 and 2006 at the same point in time of their senior year (See Table 3).

The percentage of students passing the CAHSEE in the tenth grade, which is the first opportunity they have to take the exam, has steadily increased. Some 82.4 percent of the Class of 2013 has already passed the ELA portion, compared to 80.6 percent of the Class of 2012. As for mathematics, the passage rate for first-time test takers in the Class of 2013 was 82.7 percent, compared to 80.7 percent of the Class of 2012 (See Tables 4 and 5).

Current law specifies that all public high school students must take the CAHSEE for the first time in grade ten. Students who do not pass the CAHSEE in grade ten have
two opportunities in grade eleven and at least three and up to five opportunities in grade twelve to pass the examination.

The results for 2010–11 school year are provided at the school, district, county, and state levels and cover test administrations given in July, October, November, December 2010 and February, March, May 2011.

###

The California Department of Education (CDE) is a state agency led by State Superintendent of Public Instruction Tom Torlakson. For more information, please visit [http://www.cde.ca.gov](http://www.cde.ca.gov) or by mobile device at [http://m.cde.ca.gov](http://m.cde.ca.gov). You may also follow Superintendent Torlakson on Twitter at [http://www.twitter.com/TorlaksonSSPI](http://www.twitter.com/TorlaksonSSPI) and Facebook at [http://www.facebook.com/CAEducation](http://www.facebook.com/CAEducation).
Background

- In 1999, state law authorized the development of the California High School Exit Examination (CAHSEE), requiring students in California public schools to pass this test to earn a high school diploma in addition to other graduation requirements.

- The standards assessed on the CAHSEE are aligned to the state content standards for English-language arts (ELA) and mathematics.

- Current law specifies that all public high school students must take the CAHSEE for the first time in grade ten, including students with disabilities (SWDs). Students who do not pass the CAHSEE in grade ten have two opportunities in grade eleven and at least three and up to five opportunities in grade twelve to pass the examination.

- Beginning with the 2009–10 school year, SWDs were exempted from passing the CAHSEE as a graduation requirement; however SWDs must take the CAHSEE in grade ten to fulfill the requirements of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 7114).

- On July 14, 2010, the State Board of Education (SBE) determined that alternative means to the CAHSEE for eligible SWDs are feasible and on February 9, 2011, the SBE adopted permanent regulations extending the implementation date of alternative means to July 1, 2012. The exemption from meeting the CAHSEE requirement remains in place for eligible SWDs until alternative means are implemented.

Summary of CAHSEE Results

A summary of statewide student performance on the CAHSEE is provided below. Note that while final data are available for years 2004 through 2010, the results reported for 2011 are preliminary.

The data displayed on Tables 1, 2, and 3 are taken from reports produced by the CAHSEE independent evaluator, Human Resources Research Organization (HumRRO). In the annual report to be released in the fall 2011, HumRRO will provide additional CAHSEE results by grade.

Table 1 Findings

The results presented in Table 1 display the estimated cumulative percentage of students meeting the CAHSEE requirement for the Class of 2011 in grades ten, eleven, and twelve. (These data are taken from reports produced by HumRRO.) The passing
rates presented in Table 1 for grades ten and eleven include SWDs in all demographic subgroups. The grade twelve passing rates exclude SWDs in all demographic subgroups, as SWDs are exempt from meeting the CAHSEE graduation requirement.

- Nearly 95 percent of the students from the Class of 2011 met the CAHSEE requirement.
- Almost 55 percent of the SWDs met the CAHSEE requirement by his/her senior year.
- Approximately 82 percent of the English learners (ELs) met the CAHSEE requirement by the end of their senior year.

Table 2 Findings

The results displayed in Table 2 show the estimated cumulative percentage of students meeting the CAHSEE requirement by grade for the Classes of 2006, 2007, 2008, 2009, 2010, and 2011. The passing rates presented in Table 2 for grades ten and eleven include SWDs. The grade twelve passing rates exclude SWDs, as SWDs are exempt from meeting the CAHSEE graduation requirement.

- Almost 6 percentage points more grade ten students from the Class of 2011 met the CAHSEE requirement on their first attempt as compared to the grade ten students from the Class of 2006.
- Approximately 5.5 percentage points more grade eleven students from the Class of 2011 met the CAHSEE requirement as compared to grade eleven students from the Class of 2006.
- More than 4 percentage points of the grade twelve students from the Class of 2011 met the CAHSEE requirement as compared to grade twelve students from the Class of 2006.

Table 3 Findings

Table 3 displays a point-in-time comparison of the percentage of students for each class meeting the CAHSEE requirement by May in their respective senior years. Table 3 includes SWDs in all subgroups for the Classes of 2008 and 2009. For the Classes of 2006, 2007, 2010, and 2011, SWDs were exempted from passing the CAHSEE as a graduation requirement and have been excluded for all subgroups except the special education subgroup.

- Nearly 95 percent of students from the Class of 2011 have met the CAHSEE requirement by the end senior year.
• The Achievement Gap for meeting the CAHSEE requirement for Black or African American and Hispanic or Latino students is narrowing when compared to White students. The percent change for Black or African American and Hispanic or Latino students from the Classes of 2006 and 2011 has improved by more than six percentage points compared to White students, 7.2, 6.8, and 1.1 respectively. (See Table 3.)

• Hispanic or Latino students in the Class of 2011 display an increase in passing rates when compared to students in the Classes of 2010 and 2006 (0.9 and 6.8 percentage points, respectively) at the same point in time of their senior year.

• Black or African American students in the Class of 2011 display the largest increase in passing rates of 1.3 and 7.2 percentage points, respectively when compared to students in the Classes of 2010 and 2006 at the same point in time of their senior year.

• ELs in the Class of 2011 display an increase in passing rates of 5.7 percentage points when compared to the ELs in the Class of 2006 at the same point in time of their senior year.

• SWDs in the Class of 2011 show an increase in passing rates of 1.3 and 6.8 percentage points, respectively when compared to SWDs in the Classes of 2010 and 2006.

Tables 4 and 5 Findings

Tables 4 and 5 present the passing rates for grade ten students in ELA and mathematics, respectively. The grade ten passing rates presented in Tables 4 and 5 include SWDs in all subgroups.

• The passing rate on the ELA portion of the CAHSEE for grade ten students in the Class of 2013 was 82.4 percent, an improvement of 7.7 percentage points from the passing rate for grade ten students in the Class of 2006. (See Table 4.)

• The Achievement Gap for the ELA portion of the CAHSEE is narrowing for Black or African American and Hispanic or Latino students when compared to White students. The percent change between White students from the Classes of 2006 and 2013 is 3.1 percent. The percent change for Black or African American students during the same time period is three times greater (9.6 percent) compared to White students and Hispanic or Latino students have improved almost five times greater (14.7 percent) compared to White students. (See Table 4.)

• Improvements from the Class of 2006 to the Class of 2013 in the ELA passing rates for subgroups of grade ten students include an increase of 14.7 percentage points for Hispanic or Latino students, and 9.6 percentage points for Black or African American students. (See Table 4.)
• Economically disadvantaged grade ten students in the Class of 2013 compared to economically disadvantaged grade ten students in the Class of 2006 have increased passing rates of 15.0 and 15.7 percentage points in ELA and mathematics, respectively. Additionally, the change in percent for economically disadvantage students compared to non-economically disadvantaged is approximately ten percentage points higher for both of the ELA and mathematics portions of the CAHSEE. (See Tables 4 and 5.)

• For the mathematics portion of the CAHSEE, the passing rate for the students in the Class of 2013 was 82.7 percent, a 9.0 percentage point increase over the passing percentage for grade ten students in the Class of 2006. (See Table 5.)

• The Achievement Gap for the mathematics portion of the CAHSEE is narrowing for Black or African American and Hispanic or Latino students when compared to White students. The percent change between White students from the Classes of 2006 and 2013 is 4.1 percent. The percent change for Black or African American students during the same time period is 3.5 times greater (14.0 percent) compared to White students and Hispanic or Latino students have improved almost four times greater (16.1 percent) compared White students. (See Table 5.)

• Improvements from the Class of 2006 to the Class of 2013 in the mathematics passing rates for subgroups of grade ten students include an increase of 16.1 percentage points for Hispanic or Latino students and 14.0 percentage points for Black or African American students. (See Table 5.)

Tables 6 and 7 Findings

Tables 6 and 7 display the differences in the proportion of Hispanic or Latino and Black or African American grade ten students passing the CAHSEE compared to white students (i.e., gap) from the Classes of 2006, 2007, 2008, 2009, 2010, 2011, 2012, and 2013 for ELA and mathematics. The grade ten data presented in Tables 6 and 7 includes SWDs in the passing rates.

• For the ELA portion of the CAHSEE, the gap between Hispanic or Latino and white students has narrowed by 11.6 percentage points from the Class of 2006 to the Class of 2013. For the mathematics portion of the CAHSEE, the gap between Hispanic or Latino and white students has narrowed by 12.0 percentage points from the Class of 2006 to the Class of 2013. (See Table 6.)

• For the ELA portion of the CAHSEE, the gap between Black or African American and white students has narrowed by 6.5 percentage points from the Class of 2006 to the Class of 2013. For the mathematic portion of the CAHSEE, the gap between Black or African American and white students has narrowed by 9.9 percentage points from the Class of 2006 to the Class of 2013. (See Table 7.)
## California High School Exit Examination (CAHSEE) Results

### Table 1:
**Class of 2011 – Grade 10, Grade 11, and Grade 12**
**Estimated Cumulative Percentage**
**Meeting the CAHSEE Requirement by Subgroup**\(^1,2,3\)

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Grade 10 Class of 2011 Percent Passed</th>
<th>Grade 11 Class of 2011 Percent Passed</th>
<th>Grade 12 Class of 2011 Percent Passed (^4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>69.9%</td>
<td>83.9%</td>
<td>94.6%</td>
</tr>
<tr>
<td>Female</td>
<td>72.4%</td>
<td>85.8%</td>
<td>95.1%</td>
</tr>
<tr>
<td>Male</td>
<td>67.4%</td>
<td>82.0%</td>
<td>94.2%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>53.3%</td>
<td>72.1%</td>
<td>90.9%</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>64.8%</td>
<td>83.8%</td>
<td>96.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>86.1%</td>
<td>93.1%</td>
<td>97.7%</td>
</tr>
<tr>
<td>Filipino</td>
<td>85.1%</td>
<td>94.1%</td>
<td>98.3%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>60.1%</td>
<td>77.9%</td>
<td>92.3%</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>68.9%</td>
<td>85.4%</td>
<td>94.5%</td>
</tr>
<tr>
<td>White</td>
<td>83.2%</td>
<td>92.2%</td>
<td>98.4%</td>
</tr>
<tr>
<td>Two or More Races(^5)</td>
<td>&quot;-&quot;</td>
<td>&quot;-&quot;</td>
<td>53.8%</td>
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<td>English Learner</td>
<td>30.6%</td>
<td>55.6%</td>
<td>81.7%</td>
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<td>Reclassified Fluent English</td>
<td>84.1%</td>
<td>94.7%</td>
<td>98.7%</td>
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<td>Economically Disadvantaged</td>
<td>58.8%</td>
<td>77.1%</td>
<td>92.1%</td>
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<tr>
<td>Special Education</td>
<td>21.1%</td>
<td>37.9%</td>
<td>54.6%</td>
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</table>

---

\(^1\) For the purposes of this table, “meeting the CAHSEE requirement” is defined as passing both the English-language arts and mathematics portions of the CAHSEE. Students who satisfied the CAHSEE requirement through the local waiver process are not included in this table.


\(^3\) Students with disabilities who used modifications are excluded from analyses.

\(^4\) Students with disabilities in grade 12 were excluded from all rows except the last row due to the exemption.

\(^5\) New federally mandated demographic subgroup.

\(^6\) Not available.
California High School Exit Examination (CAHSEE) Results

Table 2:
Classes of 2006 through 2011 – Grade 10, Grade 11, and Grade 12
Estimated Cumulative Percentage
Meeting the CAHSEE Requirement1, 2, 3

<table>
<thead>
<tr>
<th>All Students</th>
<th>Grade 10 Percent Passed</th>
<th>Grade 11 Percent Passed</th>
<th>Grade 12 Percent Passed4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class of 2006</td>
<td>64.3%</td>
<td>78.4%</td>
<td>90.4%</td>
</tr>
<tr>
<td>Class of 2007</td>
<td>65.4%</td>
<td>78.7%</td>
<td>93.3%</td>
</tr>
<tr>
<td>Class of 2008</td>
<td>65.1%</td>
<td>78.0%</td>
<td>93.7%</td>
</tr>
<tr>
<td>Class of 2009</td>
<td>65.2%</td>
<td>81.9%</td>
<td>93.4%</td>
</tr>
<tr>
<td>Class of 2010</td>
<td>69.2%</td>
<td>82.9%</td>
<td>94.4%</td>
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<tr>
<td>Class of 2011</td>
<td>69.9%</td>
<td>83.9%</td>
<td>94.6%</td>
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<tr>
<td>Change in Percentage Classes of 2010–2011</td>
<td>0.7</td>
<td>1.0</td>
<td>0.2</td>
</tr>
<tr>
<td>Change in Percentage Classes of 2006–2011</td>
<td>5.6</td>
<td>5.5</td>
<td>4.2</td>
</tr>
</tbody>
</table>

1 For the purposes of this table, “meeting the CAHSEE requirement” is defined as passing both the English-language arts and mathematics portions of the CAHSEE. Students who satisfied the CAHSEE requirement through the local waiver process are not included in this table.

2 Cohorts for classes are determined when student meets the CAHSEE requirement in grades 10 or 11, or when the student takes the CAHSEE for the first time in grade 12. The repeat or fifth-year grade 12 student’s class is determined when the student took the CAHSEE the first time in grade 12 for the Classes of 2006 through 2011.

3 Students with disabilities who used modifications are excluded from analyses.

4 Students with disabilities in grade 12 were excluded from all of these rows.
<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>90.4%</td>
<td>93.3%</td>
<td>90.4%</td>
<td>90.6%</td>
<td>94.4%</td>
<td>94.6%</td>
<td>0.2</td>
<td>4.2</td>
</tr>
<tr>
<td>Females</td>
<td>90.9%</td>
<td>93.6%</td>
<td>91.8%</td>
<td>91.9%</td>
<td>94.8%</td>
<td>95.1%</td>
<td>0.3</td>
<td>4.2</td>
</tr>
<tr>
<td>Males</td>
<td>89.9%</td>
<td>92.9%</td>
<td>89.0%</td>
<td>89.3%</td>
<td>93.9%</td>
<td>94.2%</td>
<td>0.3</td>
<td>4.3</td>
</tr>
<tr>
<td>Black or African American</td>
<td>83.7%</td>
<td>88.4%</td>
<td>80.5%</td>
<td>81.4%</td>
<td>89.6%</td>
<td>90.9%</td>
<td>1.3</td>
<td>7.2</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>89.2%</td>
<td>91.6%</td>
<td>95.4%</td>
<td>96.6%</td>
<td>1.2</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Asian</td>
<td>95.3%</td>
<td>96.3%</td>
<td>95.7%</td>
<td>95.3%</td>
<td>97.4%</td>
<td>97.7%</td>
<td>0.3</td>
<td>2.4</td>
</tr>
<tr>
<td>Filipino</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>96.3%</td>
<td>98.1%</td>
<td>98.3%</td>
<td>0.2</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>85.5%</td>
<td>88.6%</td>
<td>86.2%</td>
<td>86.6%</td>
<td>91.4%</td>
<td>92.3%</td>
<td>0.9</td>
<td>6.8</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>90.7%</td>
<td>95.3%</td>
<td>94.5%</td>
<td>-0.8</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>White</td>
<td>97.3%</td>
<td>98.4%</td>
<td>96.0%</td>
<td>95.9%</td>
<td>98.1%</td>
<td>98.4%</td>
<td>0.3</td>
<td>1.1</td>
</tr>
<tr>
<td>Two or More Races&lt;sup&gt;5&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>53.8%</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>English Learner</td>
<td>76.0%</td>
<td>77.1%</td>
<td>73.5%</td>
<td>73.6%</td>
<td>81.0%</td>
<td>81.7%</td>
<td>0.7</td>
<td>5.7</td>
</tr>
<tr>
<td>Reclassified Fluent English</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
<td>97.5%</td>
<td>98.5%</td>
<td>98.7%</td>
<td>0.2</td>
<td>--&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Economically Disadvantaged</td>
<td>85.7%</td>
<td>88.3%</td>
<td>85.5%</td>
<td>85.6%</td>
<td>91.3%</td>
<td>92.1%</td>
<td>0.8</td>
<td>6.4</td>
</tr>
<tr>
<td>Special Education</td>
<td>47.8%</td>
<td>48.8%</td>
<td>54.5%</td>
<td>56.6%</td>
<td>53.3%</td>
<td>54.6%</td>
<td>1.3</td>
<td>6.8</td>
</tr>
</tbody>
</table>

1 A student’s class (year of graduation) is determined by the local educational agency.
2 Students identified as receiving special education services were excluded from all subgroups except the special education subgroup in these columns. CAHSEE exemption was available to students with disabilities for the Classes of 2006, 2007, 2010, and 2011. These percentages do not include students with disabilities who tested with modifications or received exemptions.
3 Students identified as receiving special education services were included in all subgroups in these columns. CAHSEE exemption was not available to students with disabilities for the Classes of 2008 and 2009. These percentages do not include students with disabilities who tested with modifications.
4 Not available.
5 New federally mandated demographic subgroup.
## California High School Exit Examination (CAHSEE) Results

### English-Language Arts

#### Table 4:

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Class of 2006</th>
<th>Class of 2007</th>
<th>Class of 2008</th>
<th>Class of 2009</th>
<th>Class of 2010</th>
<th>Class of 2011</th>
<th>Class of 2012</th>
<th>Class of 2013(^3)</th>
<th>Change in Percentage Classes of 2006-2013</th>
<th>Change in Percentage Classes of 2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>74.7%</td>
<td>76.4%</td>
<td>77.1%</td>
<td>76.6%</td>
<td>78.8%</td>
<td>79.2%</td>
<td>80.6%</td>
<td>82.4%</td>
<td>1.8</td>
<td>7.7</td>
</tr>
<tr>
<td>Female</td>
<td>79.0%</td>
<td>81.1%</td>
<td>81.6%</td>
<td>81.2%</td>
<td>82.9%</td>
<td>83.0%</td>
<td>84.4%</td>
<td>85.9%</td>
<td>1.5</td>
<td>6.9</td>
</tr>
<tr>
<td>Male</td>
<td>70.5%</td>
<td>71.9%</td>
<td>72.7%</td>
<td>72.1%</td>
<td>74.9%</td>
<td>75.6%</td>
<td>76.9%</td>
<td>79.0%</td>
<td>2.1</td>
<td>8.5</td>
</tr>
<tr>
<td>Black or African American</td>
<td>62.6%</td>
<td>64.5%</td>
<td>65.8%</td>
<td>65.7%</td>
<td>68.5%</td>
<td>68.9%</td>
<td>71.1%</td>
<td>72.2%</td>
<td>1.1</td>
<td>9.6</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>73.4%</td>
<td>73.4%</td>
<td>77.2%</td>
<td>76.1%</td>
<td>77.1%</td>
<td>77.7%</td>
<td>79.2%</td>
<td>79.3%</td>
<td>0.1</td>
<td>5.9</td>
</tr>
<tr>
<td>Asian</td>
<td>84.7%</td>
<td>85.8%</td>
<td>86.6%</td>
<td>86.5%</td>
<td>88.4%</td>
<td>88.8%</td>
<td>90.9%</td>
<td>90.9%</td>
<td>0.0</td>
<td>6.2</td>
</tr>
<tr>
<td>Filipino</td>
<td>87.2%</td>
<td>88.1%</td>
<td>89.0%</td>
<td>88.9%</td>
<td>89.8%</td>
<td>89.6%</td>
<td>91.7%</td>
<td>92.0%</td>
<td>0.3</td>
<td>4.8</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>61.7%</td>
<td>65.1%</td>
<td>66.4%</td>
<td>66.2%</td>
<td>70.0%</td>
<td>70.9%</td>
<td>73.3%</td>
<td>76.4%</td>
<td>3.1</td>
<td>14.7</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>71.2%</td>
<td>75.2%</td>
<td>75.4%</td>
<td>75.6%</td>
<td>79.1%</td>
<td>77.3%</td>
<td>79.3%</td>
<td>80.8%</td>
<td>1.5</td>
<td>9.6</td>
</tr>
<tr>
<td>White</td>
<td>88.4%</td>
<td>89.2%</td>
<td>89.8%</td>
<td>89.4%</td>
<td>90.4%</td>
<td>90.7%</td>
<td>91.1%</td>
<td>91.5%</td>
<td>0.4</td>
<td>3.1</td>
</tr>
<tr>
<td>Two or More Races(^3)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>82.8%</td>
<td>1.9</td>
<td>--</td>
</tr>
<tr>
<td>English Learner</td>
<td>39.2%</td>
<td>42.4%</td>
<td>38.1%</td>
<td>35.9%</td>
<td>40.2%</td>
<td>40.3%</td>
<td>41.7%</td>
<td>44.2%</td>
<td>2.5</td>
<td>5.0</td>
</tr>
<tr>
<td>Reclassified Fluent English</td>
<td>86.7%</td>
<td>89.2%</td>
<td>89.3%</td>
<td>88.9%</td>
<td>91.2%</td>
<td>91.4%</td>
<td>92.5%</td>
<td>93.7%</td>
<td>1.2</td>
<td>7.0</td>
</tr>
<tr>
<td>Economically Disadvantaged</td>
<td>60.0%</td>
<td>63.2%</td>
<td>64.9%</td>
<td>64.6%</td>
<td>68.5%</td>
<td>69.7%</td>
<td>72.3%</td>
<td>75.0%</td>
<td>2.7</td>
<td>15.0</td>
</tr>
<tr>
<td>Non-Economically Disadvantaged</td>
<td>87.2%</td>
<td>88.2%</td>
<td>88.5%</td>
<td>88.2%</td>
<td>89.5%</td>
<td>90.2%</td>
<td>91.1%</td>
<td>91.9%</td>
<td>0.8</td>
<td>4.7</td>
</tr>
<tr>
<td>Special Education</td>
<td>30.5%</td>
<td>32.8%</td>
<td>34.6%</td>
<td>33.0%</td>
<td>35.7%</td>
<td>37.2%</td>
<td>37.3%</td>
<td>39.2%</td>
<td>1.9</td>
<td>8.7</td>
</tr>
</tbody>
</table>

---

1 Percent passing rates equal the number of students passing the CAHSEE divided by number of students taking the CAHSEE. Students with disabilities who used modifications are excluded from analyses.

2 Subgroup data are preliminary; school districts have the opportunity to make demographic data corrections.

3 New federally mandated demographic subgroup.

4 Not available.

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Class of 2006</th>
<th>Class of 2007</th>
<th>Class of 2008</th>
<th>Class of 2009</th>
<th>Class of 2010</th>
<th>Class of 2011</th>
<th>Class of 2012</th>
<th>Class of 2013(^2)</th>
<th>Change in Percentage Classes of 2012-2013</th>
<th>Change in Percentage Classes of 2006-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>73.7%</td>
<td>74.0%</td>
<td>75.5%</td>
<td>75.8%</td>
<td>78.3%</td>
<td>79.8%</td>
<td>80.7%</td>
<td>82.7%</td>
<td>2.0</td>
<td>9.0</td>
</tr>
<tr>
<td>Female</td>
<td>74.4%</td>
<td>74.6%</td>
<td>76.1%</td>
<td>76.2%</td>
<td>78.6%</td>
<td>80.1%</td>
<td>81.3%</td>
<td>83.4%</td>
<td>2.1</td>
<td>9.0</td>
</tr>
<tr>
<td>Male</td>
<td>72.9%</td>
<td>73.4%</td>
<td>75.0%</td>
<td>75.5%</td>
<td>78.0%</td>
<td>79.5%</td>
<td>80.2%</td>
<td>82.0%</td>
<td>1.8</td>
<td>9.1</td>
</tr>
<tr>
<td>Black or African American</td>
<td>54.4%</td>
<td>54.9%</td>
<td>57.1%</td>
<td>58.4%</td>
<td>61.9%</td>
<td>64.0%</td>
<td>66.3%</td>
<td>68.4%</td>
<td>2.1</td>
<td>14.0</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>69.2%</td>
<td>69.4%</td>
<td>72.9%</td>
<td>72.5%</td>
<td>75.7%</td>
<td>74.8%</td>
<td>77.8%</td>
<td>77.1%</td>
<td>-0.7</td>
<td>7.9</td>
</tr>
<tr>
<td>Asian</td>
<td>91.2%</td>
<td>91.7%</td>
<td>92.1%</td>
<td>92.7%</td>
<td>94.1%</td>
<td>94.6%</td>
<td>95.0%</td>
<td>95.7%</td>
<td>0.7</td>
<td>4.5</td>
</tr>
<tr>
<td>Filipino</td>
<td>86.9%</td>
<td>86.8%</td>
<td>88.1%</td>
<td>89.0%</td>
<td>90.1%</td>
<td>91.6%</td>
<td>92.0%</td>
<td>92.7%</td>
<td>0.7</td>
<td>5.8</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>61.0%</td>
<td>62.2%</td>
<td>65.1%</td>
<td>65.7%</td>
<td>69.6%</td>
<td>72.3%</td>
<td>73.9%</td>
<td>77.1%</td>
<td>3.2</td>
<td>16.1</td>
</tr>
<tr>
<td>Native Hawaiian or Pacific Islander</td>
<td>71.2%</td>
<td>72.6%</td>
<td>73.5%</td>
<td>75.0%</td>
<td>78.9%</td>
<td>80.1%</td>
<td>79.8%</td>
<td>82.4%</td>
<td>2.6</td>
<td>11.2</td>
</tr>
<tr>
<td>White</td>
<td>86.8%</td>
<td>87.0%</td>
<td>87.9%</td>
<td>88.2%</td>
<td>89.3%</td>
<td>89.9%</td>
<td>90.6%</td>
<td>90.9%</td>
<td>0.3</td>
<td>4.1</td>
</tr>
<tr>
<td>Two or More Races(^3)</td>
<td>--(^4)</td>
<td>--(^4)</td>
<td>--(^4)</td>
<td>--(^4)</td>
<td>--(^4)</td>
<td>--(^4)</td>
<td>82.0%</td>
<td>83.0%</td>
<td>1.0</td>
<td>--(^4)</td>
</tr>
<tr>
<td>English Learner</td>
<td>49.2%</td>
<td>48.7%</td>
<td>47.6%</td>
<td>46.5%</td>
<td>50.2%</td>
<td>52.6%</td>
<td>52.2%</td>
<td>55.8%</td>
<td>3.6</td>
<td>6.6</td>
</tr>
<tr>
<td>Reclassified Fluent English</td>
<td>82.8%</td>
<td>84.5%</td>
<td>85.3%</td>
<td>85.7%</td>
<td>88.6%</td>
<td>90.1%</td>
<td>90.8%</td>
<td>92.2%</td>
<td>1.4</td>
<td>9.4</td>
</tr>
<tr>
<td>Economically Disadvantaged</td>
<td>60.6%</td>
<td>61.4%</td>
<td>64.3%</td>
<td>65.0%</td>
<td>69.0%</td>
<td>71.8%</td>
<td>73.5%</td>
<td>76.3%</td>
<td>2.8</td>
<td>15.7</td>
</tr>
<tr>
<td>Non-Economically Disadvantaged</td>
<td>85.1%</td>
<td>85.5%</td>
<td>86.2%</td>
<td>86.5%</td>
<td>88.1%</td>
<td>89.3%</td>
<td>90.1%</td>
<td>91.1%</td>
<td>1.0</td>
<td>6.0</td>
</tr>
<tr>
<td>Special Education</td>
<td>29.7%</td>
<td>30.3%</td>
<td>32.5%</td>
<td>32.3%</td>
<td>35.4%</td>
<td>38.1%</td>
<td>38.6%</td>
<td>40.1%</td>
<td>1.5</td>
<td>10.4</td>
</tr>
</tbody>
</table>

\(^1\) Percent passing rates equal the number of students passing the CAHSEE divided by number of students taking the CAHSEE. Students with disabilities who used modifications are excluded from analyses.

\(^2\) Subgroup data are preliminary; school districts have the opportunity to make demographic data corrections.

\(^3\) New federally mandated demographic subgroup.

\(^4\) Not available.
# California High School Exit Examination (CAHSEE) Results

## Achievement Gap on CAHSEE

### Table 6: Achievement Gap of Hispanic or Latino Grade Ten Students ELA and Mathematics to White Students

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic or Latino</td>
<td>61.7%</td>
<td>65.1%</td>
<td>66.4%</td>
<td>66.2%</td>
<td>70.0%</td>
<td>70.9%</td>
<td>73.3%</td>
<td>76.4%</td>
<td>3.1</td>
<td>14.7</td>
</tr>
<tr>
<td>White</td>
<td>88.4%</td>
<td>89.2%</td>
<td>89.8%</td>
<td>89.4%</td>
<td>90.4%</td>
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<td>91.1%</td>
<td>91.5%</td>
<td>0.4</td>
<td>3.1</td>
</tr>
<tr>
<td>Gap</td>
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<td>23.4</td>
<td>23.2</td>
<td>20.4</td>
<td>19.8</td>
<td>17.8</td>
<td>15.1</td>
<td>-2.7</td>
<td>-11.6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic or Latino</td>
<td>61.0%</td>
<td>62.2%</td>
<td>65.1%</td>
<td>65.7%</td>
<td>69.6%</td>
<td>72.3%</td>
<td>73.9%</td>
<td>77.1%</td>
<td>3.2</td>
<td>16.1</td>
</tr>
<tr>
<td>White</td>
<td>86.8%</td>
<td>87.0%</td>
<td>87.9%</td>
<td>88.2%</td>
<td>89.3%</td>
<td>89.9%</td>
<td>90.6%</td>
<td>90.9%</td>
<td>0.3</td>
<td>4.1</td>
</tr>
<tr>
<td>Gap</td>
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<td>24.8</td>
<td>22.8</td>
<td>22.5</td>
<td>19.7</td>
<td>17.6</td>
<td>16.7</td>
<td>13.8</td>
<td>-2.9</td>
<td>-12.0</td>
</tr>
</tbody>
</table>

---

1 Differences may occur as a result of rounding. Students with disabilities who used modifications are excluded from analyses.

2 Subgroup data are preliminary; school districts have the opportunity to make demographic data corrections.
## California High School Exit Examination (CAHSEE) Results
### Achievement Gap on CAHSEE

#### Table 7:
Achievement Gap of Black or African American Grade Ten Students
ELA and Mathematics to White Students

<table>
<thead>
<tr>
<th></th>
<th>ELA</th>
<th>Change in Percentage 2006–2013</th>
<th>Change in Percentage 2012–2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Class of 2006</td>
<td>Class of 2007</td>
<td>Class of 2008</td>
</tr>
<tr>
<td>Black or African American</td>
<td>62.6%</td>
<td>64.5%</td>
<td>65.8%</td>
</tr>
<tr>
<td>White</td>
<td>88.4%</td>
<td>89.2%</td>
<td>89.8%</td>
</tr>
<tr>
<td>Gap</td>
<td>25.8</td>
<td>24.7</td>
<td>24.0</td>
</tr>
</tbody>
</table>
### Mathematics

<table>
<thead>
<tr>
<th></th>
<th>Class of 2006</th>
<th>Class of 2007</th>
<th>Class of 2008</th>
<th>Class of 2009</th>
<th>Class of 2010</th>
<th>Class of 2011</th>
<th>Class of 2012</th>
<th>Class of 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Change in Percentage 2006–2013</td>
<td>Change in Percentage 2012–2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black or African American</td>
<td>54.4%</td>
<td>54.9%</td>
<td>57.1%</td>
<td>58.4%</td>
<td>61.9%</td>
<td>64.0%</td>
<td>66.3%</td>
<td>68.4%</td>
</tr>
<tr>
<td>White</td>
<td>86.8%</td>
<td>87.0%</td>
<td>87.9%</td>
<td>88.2%</td>
<td>89.3%</td>
<td>89.9%</td>
<td>90.6%</td>
<td>90.9%</td>
</tr>
<tr>
<td>Gap</td>
<td>32.4</td>
<td>32.1</td>
<td>30.8</td>
<td>29.8</td>
<td>27.5</td>
<td>25.9</td>
<td>24.3</td>
<td>22.5</td>
</tr>
</tbody>
</table>

1 Differences may occur as a result of rounding. Students with disabilities who used modifications are excluded from analyses.
2 Subgroup data are preliminary; school districts have the opportunity to make demographic data corrections.
California State Board of Education
Meeting Agenda Items for September 7-8, 2011

ITEM 14
Subject

Annual Report on Dropouts in California.

Summary of the Issue(s)

Senate Bill 651 was enacted in February 2009 and established the Annual Report on Dropouts in California (Education Code Section 48070.6). The law requires that the contents of the report be presented orally to the state board at a regularly scheduled meeting. The first report must be submitted to the Governor, the Legislature and the state board by August 1, 2011, and annually thereafter.

Recommendation

The California Department of Education (CDE) recommends that the State Board of Education (SBE) consider policy implications related to decreasing the dropout rate and increasing the graduation rate. No action is requested or required by this item.

Brief History of Key Issues

The California Department of Education (CDE) annually calculates and publically posts dropout rates. Historically, one-year dropout rates and four-year dropout rates for schools can be located on the CDE Web site, commonly known as DataQuest. These rates have been calculated and publically posted since the 1991-92 school year and are disaggregated by gender, race/ethnicity, socioeconomically disadvantaged, special education, migrant education and English learners.

For years, dropout rates have been estimated by dividing the count of dropouts throughout the year divided by a single day of enrollment taken on the first Wednesday of October, known as CBEDS Information Day. These rates were based on aggregate
data and could not account for enrollment increases or decreases and could not account for students who transferred into or out of the public school system throughout the year.

In school year 2005-06, all schools began obtaining statewide student identifiers (SSIDs) for all K-12 public school students. The SSIDs are now used to collect the official enrollment, graduation and dropout counts for schools. With the data collected in the fall of 2010 (for the graduating class of 2010) through the California Longitudinal Pupil Achievement Data System (CALPADS), the CDE was able to use four years of longitudinal data to calculate graduation and dropout rates. The four-year cohort graduation and dropout rates replace the former rates. The four-year cohort rates use the SSIDs for the first-time ninth graders in 2006-07 and follow them through their expected graduation class of 2010. Students who transferred in are added to the cohort and students who transfer out are removed from the cohort.

A cohort rate is calculated by following the cohort (i.e., the group of students) over a period of time. In order to do this, the data must be available at the student level in order to track a student’s progress within a school year as well as from year to year. Essentially, a cohort dropout or graduation rate is defined as follows:

\[
\text{Numerator: } \text{Number of cohort members who dropped out (or graduated) during a period of time} \\
\text{Denominator: } \text{Number of total cohort members for a period of time}
\]

For example, a four-year cohort dropout rate is the number of cohort members who dropped out of school over the course of four years divided by the number of first time 9th graders from fall four years ago plus students who transfer in, minus students who transfer out or die during the four years.

### 2009-10 Statewide Graduation and Dropout Rates

<table>
<thead>
<tr>
<th></th>
<th>Total Cohort</th>
<th>Cohort Graduates</th>
<th>Cohort Dropouts</th>
<th>Cohort Still Enrolled</th>
<th>Cohort Special Education (certificate of completion)</th>
<th>Cohort GED Passer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cohort</td>
<td>519,247</td>
<td>386,222</td>
<td>94,312</td>
<td>34,086</td>
<td>2,676</td>
<td>1,951</td>
</tr>
<tr>
<td>Cohort Graduates</td>
<td></td>
<td>74.4%</td>
<td>18.2%</td>
<td>6.6%</td>
<td>0.5%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Cohort Dropouts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cohort Still Enrolled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cohort Special</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GED Passer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Because the new cohort graduation rate is based on a new and different method of calculation, it is not possible to calculate the exact percentage of change from the graduating class of 2009, though the data indicate an increase in the graduation rate and a decrease in dropout rate.
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Background information on SB 651 and information about the calculation of dropout rates was sent to the SBE on November 25, 2009.
http://www.cde.ca.gov/be/pn/im/infomemo1209.asp

FISCAL ANALYSIS (AS APPROPRIATE)

In response to SB 651, a budget change proposal (BCP) was submitted by the CDE for $177,000 to produce the annual report. The bill required a significant increase to the current workload of the Data Management Division. No funding was approved for the BCP and CDE has had additional budget cuts since 2009. The report, therefore, does not contain all components of SB 651. Given time and resources, the reports regarding middle school rates, number of school moves, progress toward graduation, and completion of career technical education are possible. Reports regarding GED earning rates and chronic absentee rates are not possible with the data currently collected.

ATTACHMENT(S)

Attachment 1: 2009-10 First Annual Report on Dropouts in California Using the California Longitudinal Pupil Achievement Data System (CALPADS) and Other Available Data.

Attachment 2: CDE News Release dated August 11, 2011 titled, “CALPADS Finds Statewide Graduation Rate of 74.4 Percent” (4 Pages)
Report to the Governor, Legislature, and State Board of Education

2009-10 First Annual Report on Dropouts in California Using the California Longitudinal Pupil Achievement Data System (CALPADS) and Other Available Data

Required in Education Code (EC) 48070.6 (Senate Bill 651)

Prepared by the California Department of Education, Data Management Division

Available online at: http://www.cde.ca.gov/ds/sd/

August 2011
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Introduction

Background

In February 2009, Senate Bill (SB) 651 (Chapter 197 of 2009) added Section 48070.6 to the Education Code (EC). Section 48070.6 specifies that on or before August 1, 2011, and annually thereafter, utilizing data produced by the California Longitudinal Pupil Achievement Data System (CALPADS) and other available data, the Superintendent shall submit to the Governor, the Legislature, and the State Board of Education (SBE), an Annual Report on Dropouts in California. It is the intent of the Legislature that this report be usable by schools, districts, policymakers, researchers, parents, and the public for purposes of identifying and understanding trends, causal relationships, early warning indicators, and potential points of intervention to address the high rate of dropouts in California.

This first Annual Report on Dropouts in California Using CALPADS and Other Available Data responds to the requirements to report available data pursuant to SB 651 and is divided into three sections:

- The Available Graduation, Dropout, and Related Reports section provides tables reflecting currently available data from the most recent year, which is data from the 2009-10 school year in most cases. Subsequent annual reports shall include data from the most recent year and, when available, the two prior years.

- The Future Dropout, Graduation, and Related Reports section describes data that are not currently available for this 2009-10 report but are anticipated to be available in 2010-11 or in the next few years.

- The Reports Unable to be Produced section discusses issues that prevent the CDE from reporting on certain reporting requirements pursuant to SB 651.

The first section provides available information on dropouts, graduates, and other related data:

### Available Graduation, Dropout, and Related Reports

<table>
<thead>
<tr>
<th>EC Section Requirement</th>
<th>Subsection in this Report</th>
<th>Pages in this Report</th>
<th>Data Year</th>
<th>Data Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>48070.6 (c)(1) Rates at which pupils graduate in four years using the methodology specified in EC Section 52052 (a)(4)(A) for the Academic Performance Index (API)</td>
<td>Four-Year Cohort Graduation Rates, Grade 9 to 12 Cohort</td>
<td>6-7 Table 1</td>
<td>2009-10</td>
<td>CALPADS</td>
</tr>
<tr>
<td>48070.6 (c)(2) Percentage of high school graduates who completed courses that are certified by the University of California (UC) as meeting admission requirement criteria for the UC and California State University (CSU) systems</td>
<td>Rates of Graduates Who Completed UC/CSU Course Criteria</td>
<td>7-8 Table 2</td>
<td>2009-10</td>
<td>CALPADS</td>
</tr>
<tr>
<td><strong>EC Section Requirement</strong></td>
<td><strong>Subsection in this Report</strong></td>
<td><strong>Pages in this Report</strong></td>
<td><strong>Data Year</strong></td>
<td><strong>Data Source</strong></td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------</td>
<td>--------------------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>48070.6 (a)(2)</td>
<td>Four-year cohort dropout rates for grades 9 to 12, inclusive</td>
<td>One-Year Cohort Dropout Rates, Grade 9 to 12 Cohort</td>
<td>8-9, Table 3</td>
<td>2009-10</td>
</tr>
<tr>
<td>48070.6 (a)(3)</td>
<td>Two- or three-year cohort dropout rates, as appropriate, for middle schools. When cohort rates can be calculated accurately using longitudinal data, these rates shall be replaced by dropout rates for cohorts of pupils entering middle school</td>
<td>One-Year Dropout Rates for Middle Schools, Grade 8 and Grade 9</td>
<td>9-10, Tables 4-5</td>
<td>2008-09</td>
</tr>
<tr>
<td>48070.6 (a)(9)</td>
<td>Passage rates on the California High School Exit Examination (CAHSEE)</td>
<td>Passage Rates for CAHSEE, Grades 10 to 12</td>
<td>11-13, Tables 6-8</td>
<td>2009-10</td>
</tr>
<tr>
<td>48070.6 (c)(5)</td>
<td>Behavioral data by school and district, including suspensions and expulsions</td>
<td>Suspension and Expulsion Rates</td>
<td>13-14, Table 9</td>
<td>2009-10</td>
</tr>
<tr>
<td>48070.6 (c)(6)</td>
<td>Truancy rates</td>
<td>Truancy Rates</td>
<td>13-14, Table 10</td>
<td>2009-10</td>
</tr>
<tr>
<td>48070.6 (f)</td>
<td>The report may include relevant data on school climate and pupil engagement from the California Healthy Kids Survey (CHKS)</td>
<td>School Climate and Student Engagement Data</td>
<td>14-15, Online</td>
<td>2009-10</td>
</tr>
</tbody>
</table>

The second section describes forthcoming information on dropouts, graduates, and other related data in future reports:

### Future Dropout, Graduation, and Related Reports

<table>
<thead>
<tr>
<th><strong>EC Section Requirement</strong></th>
<th><strong>Subsection in This Report</strong></th>
<th><strong>Pages in This Report</strong></th>
<th><strong>Data Source</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>48070.6 (a)(5)</td>
<td>Percentage of high school pupils for each of grades 9 to 12, inclusive, who are on track to earn sufficient credits to graduate</td>
<td>One-Year on Track for Credits to Graduate</td>
<td>16</td>
</tr>
<tr>
<td>48070.6 (c)(1)</td>
<td>Rates at which pupils graduate in five and six years using the methodology specified in EC Section 52052 (a)(4)(A) for the API</td>
<td>Five- and Six-Year Cohort Graduation Rates, Grades 9 to 12</td>
<td>16</td>
</tr>
<tr>
<td>48070.6 (c)(3)</td>
<td>Percentage of high school graduates who completed two or more classes in career technical education (CTE)</td>
<td>Rates of Graduates Who Completed Two or More CTE Courses</td>
<td>16-17</td>
</tr>
<tr>
<td>48070.6 (c)(4)</td>
<td>Percentage of high school graduates who completed both course sequences (i.e., both UC/CSU criteria and two or more CTE courses)</td>
<td>Rates of Graduates Who Completed UC/CSU and CTE Courses</td>
<td>17</td>
</tr>
<tr>
<td>48070.6 (a)(1)</td>
<td>One-year dropout rates for each of grades 7 to 12, inclusive</td>
<td>One-Year Cohort Dropout Rates, Each of Grades 7 to 12</td>
<td>17</td>
</tr>
<tr>
<td>48070.6 (a)(7) and (8)</td>
<td>&quot;Full-year&quot; dropout rates for alternative schools, including dropout recovery high schools, calculated using a methodology developed by the Superintendent to appropriately reflect dropout rates in each type of alternative school and a description of the methodology</td>
<td>&quot;Full-Year&quot; Four-Year Dropout Rates for Alternative Schools</td>
<td>17-18</td>
</tr>
<tr>
<td>48070.6 (a)(4)</td>
<td>Grade 9 to grade 10 promotion rates</td>
<td>One-Year Cohort Promotion Rates, Grade 9 to Grade 10</td>
<td>18</td>
</tr>
<tr>
<td>48070.6 (a)(6)</td>
<td>The average number of nonpromotional school moves that pupils make between grades 6 to 12, inclusive</td>
<td>Non-promotional School Moves, Grades 6 to 12</td>
<td>18</td>
</tr>
</tbody>
</table>
The third section lists and discusses reporting requirements pursuant to SB 651 that are unable to be produced:

### Reports Unable to be Produced

<table>
<thead>
<tr>
<th>EC Section Requirement</th>
<th>Subsection in This Report</th>
<th>Pages in This Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>48070.6 (c)(2) Percentage of high school dropouts who completed courses that are certified by the UC and CSU systems</td>
<td>Rates of Dropouts Who Completed UC/CSU Course Criteria</td>
<td>20</td>
</tr>
<tr>
<td>48070.6 (c)(3) Percentage of high school dropouts who completed two or more classes in career technical education (CTE)</td>
<td>Rates of Dropouts Who Completed Two or More CTE Courses</td>
<td>20</td>
</tr>
<tr>
<td>48070.6 (c)(4) Percentage of high school dropouts who completed both course sequences (i.e., both UC/CSU criteria and two or more CTE courses)</td>
<td>Rates of Dropouts Who Completed UC/CSU and CTE Courses</td>
<td>20</td>
</tr>
<tr>
<td>48070.6 (c)(7) GED earning rates</td>
<td>GED Earning Rates</td>
<td>20</td>
</tr>
<tr>
<td>48070.6 (c)(8) Chronic absentee rates, as defined in Section 60901</td>
<td>Chronic Absentee Rates</td>
<td>20-21</td>
</tr>
</tbody>
</table>

**EC Section 48070.6** specifies that data in this report be presented, if possible, by state, by county, by district, and by school. This report summarizes data for the state overall. Because inclusion of county, district, and school level data would render this written report unwieldy, the available county, district, and school reports are provided separately on the CDE DataQuest Web page at [http://dq.cde.ca.gov/dataquest/](http://dq.cde.ca.gov/dataquest/).

**EC Section 48070.6** also specifies that data in this report be presented, if possible, by subgroups to include the following categories:

- Grade level
- Racial and ethnic
- Gender
- Socioeconomic status
- English learners
- Special education status

When possible, the data in this report is presented by these subgroups. A subgroup is defined as consisting of at least 50 pupils and constituting at least 15 percent of the total population of pupils at a school. This definition of subgroups is the same definition used for API and Adequate Yearly Progress (AYP) reports. Specifically, a subgroup with between zero to 49 students is not reported. A subgroup with between 50 to 99 students is reported only if those students make up at least 15 percent of the school’s total population. A subgroup with 100 or more students is always reported.
EC Section 48070.6 also specifies that this report shall include data from alternative middle and high schools, including continuation high schools, community day schools, schools attended by wards of the Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ). Unless otherwise noted, this report provides data at the state, county, district, and school levels, and the data reported includes alternative middle and high schools defined above. For purposes of this report, dropouts are defined using the exit/withdrawal codes developed by the CDE.

Please note that reporting of CALPADS data by local educational agencies (LEAs) for 2009-10 included most but not all schools and districts. Because they did not certify their 2009-10 data submission through the CALPADS, data are not available from eight LEAs and three independently reporting charter schools:

Local Educational Agencies That Did Not Certify CALPADS Data Submission, 2009-10

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>LEA Name</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-62380-0000000</td>
<td>Raisin City Elementary School District</td>
<td>235</td>
</tr>
<tr>
<td>17-64063-0000000</td>
<td>Upper Lake Union Elementary School District</td>
<td>87</td>
</tr>
<tr>
<td>24-65722-0000000</td>
<td>Le Grand Union Elementary School District</td>
<td>68</td>
</tr>
<tr>
<td>27-66175-0000000</td>
<td>San Ardo Union Elementary School District</td>
<td>17</td>
</tr>
<tr>
<td>34-32276-0000000</td>
<td>California Education Authority (CEA) Headquarters</td>
<td>102</td>
</tr>
<tr>
<td>50-71084-0000000</td>
<td>Gratton Elementary School District</td>
<td>40</td>
</tr>
<tr>
<td>50-71209-0000000</td>
<td>Paradise Elementary School District</td>
<td>79</td>
</tr>
<tr>
<td>55-75184-0000000</td>
<td>Big Oak Flat-Groveland Unified School District</td>
<td>46</td>
</tr>
</tbody>
</table>

Independently Reporting Charter Schools That Did Not Certify CALPADS Data Submission, 2009-10

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>School Name</th>
<th>Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-62364-0118661</td>
<td>Academy Charter</td>
<td>0</td>
</tr>
<tr>
<td>19-10199-0109918</td>
<td>Opportunities Unlimited Charter High</td>
<td>140</td>
</tr>
<tr>
<td>19-64733-0122242</td>
<td>TEACH Academy of Technologies</td>
<td>41</td>
</tr>
</tbody>
</table>

These LEAs and schools represent 0.014 percent of the K-12 student enrollment for 2009-10. Tables 1 through 5 that are based on 2009-10 CALPADS data in this report do not include these eight LEAs and three charter schools.

Definition of Cohort Rates

A cohort rate is calculated by following the cohort (i.e., the group of students) over a period of time. In order to do this, the data must be available at the student level in order to track a student’s progress within a school year as well as from year to year. In the past, the CDE has been unable to calculate cohort rates because four years of longitudinal data was not available.
Fundamentally, a dropout rate is determined from the number of students who dropped out of a school divided by the number of students enrolled in the school. Similarly, a graduation rate is determined from the number of graduates in a school divided by the number of students enrolled at the school. Prior to CALPADS, the CDE calculated dropout and graduation rates from aggregate, school level data. Dropout rates were calculated as the number of students at a school who dropped out during the year divided by point-in-time enrollment (i.e., enrollment on fall Census Day) at the school. The graduation rate was also calculated from point-in-time data using aggregate, school level data. This method of reporting, in some cases, led to erroneous rates and conclusions for small schools and districts.

With the implementation of CALPADS, the CDE is now able to track students longitudinally (i.e., over time), thus enabling the calculation of cohort rates. In August 2011, the CDE released a four year adjusted cohort graduation rate for the first time for the class of 2009-10.

This report provides rates in terms of cohort data. For this report, a cohort dropout or graduation rate is defined as follows:

- **Numerator:** Number of cohort members who dropped out (or graduated) during a period of time
- **Denominator:** Number of total cohort members for a period of time

For example, a four-year cohort dropout rate is the number of cohort members who dropped out of school over the course of four years divided by the number of first time 9th graders from fall four years ago plus students who transfer in and minus students who transfer out during the last four years. Transfers out typically include students that transfer out of the California public schools system and students who died.

The CDE began reporting cohort graduation and dropout rates on the CDE DataQuest Web page in August 2011 beginning with 2009-10 data.

**Contact Information**

Questions about this report should be addressed to the Data Management Division by phone at 916-327-0219 or by e-mail at eddemo@cde.ca.gov.
Available Dropout, Graduation, and Related Reports

Four-year Cohort Graduation Rates, Grade 9 to 12 Cohort

EC Section 48070.6 (c)(1) requires the CDE to report rates at which students graduate in four, five, and six years, pursuant to EC Section 52052 (a)(4)(A), which refers to reporting graduation rates for the Academic Performance Index (API). Currently, only four year cohort graduation rates are available for the class of 2009-10. Five year cohort rates will be available for the class of 2010-11, and six year cohort rates will be available for the class of 2011-12.

Table 1 provides a summary of four-year statewide grade 9 to 12 cohort graduation rates overall and by subgroup. This rate is calculated as follows:

Numerator: Number of cohort members who earned a regular high school diploma or passed the California High School Proficiency Exam (CHSPE) by the end of the 2009-10 school year

Denominator: Number of first time 9th graders in fall 2006 (starting cohort) plus students who transfer in, minus students who transfer out, emigrate, or die during school years 2006-07, 2007-08, 2008-09, and 2009-10

Table 1: Four-Year Cohort Graduation Rates, Cohort Group Grade 9 in 2006-07 through Grade 12 in 2009-10

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Number in Four-Year Cohort Who Graduated</th>
<th>Number in Four-Year Cohort Enrolled</th>
<th>Four Year Cohort Graduation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>386,222</td>
<td>519,247</td>
<td>74.4%</td>
</tr>
<tr>
<td>Female</td>
<td>198,836</td>
<td>253,286</td>
<td>78.5%</td>
</tr>
<tr>
<td>Male</td>
<td>187,386</td>
<td>265,961</td>
<td>70.5%</td>
</tr>
<tr>
<td>Black or African American – not Hispanic</td>
<td>25,467</td>
<td>43,182</td>
<td>59.0%</td>
</tr>
<tr>
<td>American Indian or Alaska Native – not Hispanic</td>
<td>2,991</td>
<td>4,460</td>
<td>67.1%</td>
</tr>
<tr>
<td>Asian – not Hispanic</td>
<td>40,652</td>
<td>45,499</td>
<td>89.4%</td>
</tr>
<tr>
<td>Filipino – not Hispanic</td>
<td>12,050</td>
<td>13,766</td>
<td>87.5%</td>
</tr>
<tr>
<td>Hispanic or Latino of any Race</td>
<td>161,607</td>
<td>238,607</td>
<td>67.7%</td>
</tr>
<tr>
<td>Pacific Islander – not Hispanic</td>
<td>2,535</td>
<td>3,490</td>
<td>72.6%</td>
</tr>
<tr>
<td>White – not Hispanic</td>
<td>130,417</td>
<td>156,469</td>
<td>83.4%</td>
</tr>
<tr>
<td>Two or More Races – not Hispanic</td>
<td>4,560</td>
<td>5,379</td>
<td>84.8%</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>208,830</td>
<td>307,555</td>
<td>67.9%</td>
</tr>
<tr>
<td>English Learner</td>
<td>54,244</td>
<td>96,431</td>
<td>56.3%</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>35,309</td>
<td>62,333</td>
<td>56.7%</td>
</tr>
</tbody>
</table>

Data source: CALPADS
Table 1 shows that nearly three out of four students who started high school in 2006 graduated with their class in 2010. The 74.4 percent statewide graduation rate was for the first time based on four-year cohort information collected about individual students using the CALPADS. Graduation rates continue to show a significant attainment gap between students who are Hispanic, African American, or English learners (ELs) and their peers.

The county, district, and school reports are provided separately on the CDE DataQuest Graduates Web page at [http://dq.cde.ca.gov/dataquest/](http://dq.cde.ca.gov/dataquest/).

**Rates of Graduates Who Completed UC/CSU Course Criteria**

*EC Section 48070.6 (c)(2)* requires the CDE to report on the percentage of high school graduates who completed courses that are certified by the University of California (UC) as meeting admission requirement criteria for the UC and California State University (CSU) systems. The CDE currently reports the number of twelfth-grade graduates who completed all the courses required for UC and/or CSU entrance with a grade of "C" or better for a school year. This represents only a portion of the entrance requirements for UC or CSU.

Table 2 provides a summary of the statewide percentages of graduates who completed all UC/CSU course criteria. This rate is calculated as follows:

- **Numerator:** Number of grade 12 graduates who earned a regular high school diploma and completed all the courses required for UC and/or CSU entrance with a grade of “C” or better by the end of the 2009-10 school year
- **Denominator:** Number of grade 12 graduates who earned a regular high school diploma by the end of the 2009-10 school year
Table 2: Grade 12 Graduates Completing All Courses Required for UC and/or CSU Entrance, 2009-10

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Number of Graduates with UC/CSU Required Courses</th>
<th>Number of Graduates</th>
<th>Percentage of Graduates with UC/CSU Courses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>144,296</td>
<td>404,987</td>
<td>35.6%</td>
</tr>
<tr>
<td>Female</td>
<td>82,083</td>
<td>206,538</td>
<td>39.7%</td>
</tr>
<tr>
<td>Male</td>
<td>62,213</td>
<td>198,419</td>
<td>31.4%</td>
</tr>
<tr>
<td>Black or African American – not Hispanic</td>
<td>7,866</td>
<td>27,580</td>
<td>28.5%</td>
</tr>
<tr>
<td>American Indian or Alaska Native – not Hispanic</td>
<td>788</td>
<td>3,168</td>
<td>24.9%</td>
</tr>
<tr>
<td>Asian – not Hispanic</td>
<td>24,880</td>
<td>41,287</td>
<td>60.3%</td>
</tr>
<tr>
<td>Filipino – not Hispanic</td>
<td>5,838</td>
<td>12,276</td>
<td>47.6%</td>
</tr>
<tr>
<td>Hispanic or Latino of any Race</td>
<td>46,120</td>
<td>174,088</td>
<td>26.5%</td>
</tr>
<tr>
<td>Pacific Islander – not Hispanic</td>
<td>818</td>
<td>2,661</td>
<td>30.7%</td>
</tr>
<tr>
<td>White – not Hispanic</td>
<td>54,334</td>
<td>132,893</td>
<td>40.9%</td>
</tr>
<tr>
<td>Two or More Races – not Hispanic</td>
<td>1,977</td>
<td>4,710</td>
<td>42.0%</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>33,953</td>
<td>135,349</td>
<td>25.1%</td>
</tr>
<tr>
<td>English Learner</td>
<td>21,409</td>
<td>92,544</td>
<td>23.1%</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>1,464</td>
<td>18,384</td>
<td>8.0%</td>
</tr>
</tbody>
</table>

Data source: CALPADS

Table 2 shows that 35.6 percent of twelfth-grade graduates in the class in 2010 completed all the courses required for UC and/or CSU entrance with a grade of "C" or better for a school year. This percentage reflects a slight increase of 0.3 percent from the previous year's class of 2009.

The county, district, and school reports are provided separately on the CDE DataQuest Graduates Web page at http://dq.cde.ca.gov/dataquest/.

Four-year Cohort Dropout Rates, Grade 9 to 12 Cohort

EC Section 48070.6 (a)(2) requires the CDE to report on four-year cohort dropout rates for grades 9 to 12, inclusive. Table 3 provides a summary of four-year statewide grade 9 to 12 cohort dropout rates overall and by subgroup. This rate is calculated as follows:

Numerator: Number of cohort members who drop out from 2006-07 to 2009-10

Denominator: Number of first time 9th graders in fall 2006 (starting cohort) plus students who transfer in, minus students who transfer out during school years 2006-07, 2007-08, 2008-09, and 2009-10
Table 3: Four-Year Cohort Dropout Rates, 
Cohort Group Grade 9 in 2006-07 through Grade 12 in 2009-10

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Number in Four-Year Cohort Who Dropped Out</th>
<th>Number in Four-Year Cohort Enrolled</th>
<th>Four-Year Cohort Dropout Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>94,312</td>
<td>519,247</td>
<td>18.2%</td>
</tr>
<tr>
<td>Female</td>
<td>39,055</td>
<td>253,286</td>
<td>15.4%</td>
</tr>
<tr>
<td>Male</td>
<td>55,257</td>
<td>265,961</td>
<td>20.8%</td>
</tr>
<tr>
<td>Black or African American – not Hispanic</td>
<td>12,976</td>
<td>43,182</td>
<td>30.1%</td>
</tr>
<tr>
<td>American Indian or Alaska Native – not Hispanic</td>
<td>1,061</td>
<td>4,460</td>
<td>23.8%</td>
</tr>
<tr>
<td>Asian – not Hispanic</td>
<td>3,522</td>
<td>45,499</td>
<td>7.7%</td>
</tr>
<tr>
<td>Filipino – not Hispanic</td>
<td>1,159</td>
<td>13,766</td>
<td>8.4%</td>
</tr>
<tr>
<td>Hispanic or Latino of any Race</td>
<td>54,033</td>
<td>238,607</td>
<td>22.7%</td>
</tr>
<tr>
<td>Pacific Islander – not Hispanic</td>
<td>729</td>
<td>3,490</td>
<td>20.9%</td>
</tr>
<tr>
<td>White – not Hispanic</td>
<td>18,301</td>
<td>156,469</td>
<td>11.7%</td>
</tr>
<tr>
<td>Two or More Races – not Hispanic</td>
<td>573</td>
<td>5,379</td>
<td>10.7%</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>66,994</td>
<td>307,555</td>
<td>21.8%</td>
</tr>
<tr>
<td>English Learner</td>
<td>29,947</td>
<td>96,431</td>
<td>31.1%</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>15,374</td>
<td>62,333</td>
<td>24.7%</td>
</tr>
</tbody>
</table>

Data source: CALPADS

Table 3 shows that slightly more than 18 percent of students who started high school in 2006 dropped out rather than complete or continue their K-12 education with their class in 2010. The 18.2 percent statewide dropout rate was for the first time based on four-year cohort information collected about individual students using the CALPADS. Dropout rates continue to show gaps between students who are Hispanic, African American, or English learners (ELs) and their peers.

The county, district, and school reports are provided separately on the CDE DataQuest Dropouts Web page at [http://dq.cde.ca.gov/dataquest/](http://dq.cde.ca.gov/dataquest/).

One-Year Dropout Rates for Middle Schools, Grade 8 and Grade 9

*EC Section 48070.6 (a)(3)* requires the CDE to report two- or three-year cohort dropout rates, as appropriate, for middle schools. Currently, only one-year cohort dropout rates for grades 8 and 9 are available for the class of 2008-09. These are the rates calculated pursuant to *EC Section 52052.1 (a)(3)*. Two-year and three-year cohort dropout rates for middle schools will be available for the class of 2009-10 and 2010-11 in subsequent reports.

Tables 4 and 5 provide a summary of one-year statewide dropout rates for grade 8 and for grade 9 respectively overall. Subgroup data are not available at this time. Subgroup data will be available in the future. The rates are calculated as follows:
Numerator: Number of academic year dropouts (plus transition dropouts for LEA and state level reports)

Denominator: Number of academic year dropouts plus prospective students

Table 4: One-Year Dropout Rates, Grade 8
2008-09

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Grade 9 Prospective Students</th>
<th>Grade 8 Academic Year Dropouts</th>
<th>Grade 8 Transition Dropouts</th>
<th>Grade 8 Total Dropouts</th>
<th>Grade 8 Dropout Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>490,576</td>
<td>4,190</td>
<td>13,067</td>
<td>17,257</td>
<td>3.5%</td>
</tr>
</tbody>
</table>

Data source: CALPADS. The state-level grade eight dropout rate is calculated using only data from schools with grade eight enrollment.

Table 4 shows that more than 17,000, or 3.5 percent, grade eight students in 2008-09 dropped out of school before entering grade nine.

Table 5: One-Year Dropout Rates, Grade 9
2008-09

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Grade 10 Prospective Students</th>
<th>Grade 9 Academic Year Dropouts</th>
<th>Grade 9 Transition Dropouts</th>
<th>Grade 9 Total Dropouts</th>
<th>Grade 9 Dropout Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>3,356</td>
<td>8</td>
<td>49</td>
<td>57</td>
<td>1.7%</td>
</tr>
</tbody>
</table>

Data source: CALPADS. The state-level grade nine dropout rate is calculated using only data from middle schools with grade nine students.

Table 5 shows that 57, or 1.7 percent, grade nine students in 2008-09 dropped out before entering grade ten. Grade nine dropouts for purposes of this report include only middle schools with grade nine students and do not include grade nine students in high schools.

Grade eight and grade nine dropouts from the 2009-10 school year are planned for inclusion in the 2011 Base API in the spring of 2012, pending approval of the State Board of Education. The county, district, and school reports are provided separately on the CDE API Web page at [http://api.cde.ca.gov/](http://api.cde.ca.gov/).

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1 Transition dropouts are for the LEA and state reports only. A transition dropout means a student who (1) was enrolled in grade eight (or grade nine) at the end of the academic school year and (2) did not begin attending grade nine (or grade ten) or any other grade in any school by the first Wednesday in October of the subsequent academic school year as determined by CALPADS. These dropouts are attributed to the grade eight (or grade nine) LEA in which the student completed grade eight (or grade nine).
Passage Rates for CAHSEE, Grades 10-12

EC Section 48070.6 (a)(9) requires the CDE to report on passage rates on the high school exit examination adopted pursuant to EC 60850 (a). Table 6 provides a summary for the class of 2010 of the grade 10, grade 11, and grade 12 estimated cumulative percentage of students meeting the CAHSEE requirement overall and by subgroup. For the purposes of this table, “meeting the CAHSEE requirement” is defined as passing both the English-language arts (ELA) and mathematics portions of the CAHSEE. Students who satisfied the CAHSEE requirement through the local waiver process or exemption are not included in this table. Students identified as grade 12 from the classes of 2006, 2007, 2008, and 2009 are excluded from the 2010 calculation. Current grade 12 students who also tested as grade 12 in the classes of 2006, 2007, 2008, and 2009 are excluded from this table. The rates are calculated as follows:

Numerator: Cumulative number in the class of 2010 who met the CAHSEE requirement

Denominator: Cumulative number in the class of 2010 tested on both the CAHSEE in ELA and mathematics

Table 6: Class of 2010, Grade 10-12 Estimated Cumulative Percentage Meeting the CAHSEE Requirement

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Grade 10 Class of 2010 Percent Passed in 2007-08</th>
<th>Grade 11 Class of 2010 Percent Passed in 2008-09</th>
<th>Grade 12 Class of 2010 Percent Passed in 2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>69.2%</td>
<td>82.9%</td>
<td>94.4%</td>
</tr>
<tr>
<td>Female</td>
<td>71.8%</td>
<td>84.7%</td>
<td>94.8%</td>
</tr>
<tr>
<td>Male</td>
<td>66.8%</td>
<td>81.2%</td>
<td>93.9%</td>
</tr>
<tr>
<td>Black or African American – not Hispanic</td>
<td>52.5%</td>
<td>71.0%</td>
<td>89.6%</td>
</tr>
<tr>
<td>American Indian or Alaska Native – not Hispanic</td>
<td>66.0%</td>
<td>82.7%</td>
<td>95.4%</td>
</tr>
<tr>
<td>Asian – not Hispanic</td>
<td>85.8%</td>
<td>92.5%</td>
<td>97.4%</td>
</tr>
<tr>
<td>Filipino – not Hispanic</td>
<td>84.5%</td>
<td>92.6%</td>
<td>98.1%</td>
</tr>
<tr>
<td>Hispanic or Latino of any Race</td>
<td>58.5%</td>
<td>76.1%</td>
<td>91.4%</td>
</tr>
<tr>
<td>Pacific Islander – not Hispanic</td>
<td>69.7%</td>
<td>85.0%</td>
<td>95.3%</td>
</tr>
<tr>
<td>White – not Hispanic</td>
<td>83.4%</td>
<td>91.9%</td>
<td>98.1%</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>57.2%</td>
<td>75.1%</td>
<td>91.3%</td>
</tr>
<tr>
<td>English Learner</td>
<td>29.5%</td>
<td>53.1%</td>
<td>81.0%</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>20.2%</td>
<td>37.9%</td>
<td>53.3%</td>
</tr>
</tbody>
</table>

2 Students with disabilities in grade 12 were excluded from all rows except the last row due to the exemption.
Table 6 shows that by the end of their senior year, approximately 94.4 percent of students in the class of 2010 successfully passed both the ELA and mathematics portions of the CAHSEE. The results among subgroups of students show the achievement gap is narrowing. By the end of their senior year, the cumulative passing rate for Black or African American students was 89.6 percent; Hispanic or Latino students, 91.4 percent; Asian students, 97.4 percent, and white students, 98.1 percent.

Tables 7 and 8 provide summaries of Grade 10 CAHSEE separate passing rates for ELA and mathematics for 2009-10 overall and by subgroup. The rates are calculated as follows:

**Numerator:** Number of 10th graders who passed the CAHSEE in English-language arts (ELA) or mathematics in the 2009-10 school year

**Denominator:** Number of 10th graders tested on the CAHSEE in ELA or mathematics in the 2009-10 school year

**Table 7: Grade 10 CAHSEE Passing Rates in English-language Arts, 2009-10**

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Grade 10 Class of 2012 Number Tested</th>
<th>Grade 10 Class of 2012 Number Passed</th>
<th>Grade 10 Class of 2012 Percent Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>478,099</td>
<td>385,196</td>
<td>80.6%</td>
</tr>
<tr>
<td>Female</td>
<td>234,247</td>
<td>197,618</td>
<td>84.4%</td>
</tr>
<tr>
<td>Male</td>
<td>243,805</td>
<td>187,549</td>
<td>76.9%</td>
</tr>
<tr>
<td>Black or African American – not Hispanic</td>
<td>33,432</td>
<td>23,775</td>
<td>71.1%</td>
</tr>
<tr>
<td>American Indian or Alaska Native – not Hispanic</td>
<td>3,406</td>
<td>2,697</td>
<td>79.2%</td>
</tr>
<tr>
<td>Asian – not Hispanic</td>
<td>41,880</td>
<td>38,050</td>
<td>90.9%</td>
</tr>
<tr>
<td>Filipino – not Hispanic</td>
<td>13,182</td>
<td>12,093</td>
<td>91.7%</td>
</tr>
<tr>
<td>Hispanic or Latino of any Race</td>
<td>233,222</td>
<td>170,837</td>
<td>73.3%</td>
</tr>
<tr>
<td>Pacific Islander – not Hispanic</td>
<td>2,927</td>
<td>2,320</td>
<td>79.3%</td>
</tr>
<tr>
<td>White – not Hispanic</td>
<td>133,930</td>
<td>122,072</td>
<td>91.1%</td>
</tr>
<tr>
<td>Two or More Races – not Hispanic</td>
<td>16,120</td>
<td>13,352</td>
<td>82.8%</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>249,129</td>
<td>180,062</td>
<td>72.3%</td>
</tr>
<tr>
<td>English Learner</td>
<td>73,021</td>
<td>30,457</td>
<td>41.7%</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>38,391</td>
<td>14,319</td>
<td>37.3%</td>
</tr>
</tbody>
</table>

Data source: CAHSEE 2009-10 DataQuest
Tables 7 and 8 show the percentages of students who passed the CAHSEE in the tenth grade, which is the first opportunity for students to take the test. Table 7 shows that 80.6 percent of the grade ten class of 2012 passed the ELA portion.

Table 8: Grade 10 CAHSEE Passing Rates in Mathematics, 2009-10

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Grade 10 Class of 2012 Number Tested</th>
<th>Grade 10 Class of 2012 Number Passed</th>
<th>Grade 10 Class of 2012 Percent Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>475,452</td>
<td>383,887</td>
<td>80.7%</td>
</tr>
<tr>
<td>Female</td>
<td>233,616</td>
<td>189,963</td>
<td>81.3%</td>
</tr>
<tr>
<td>Male</td>
<td>241,783</td>
<td>193,894</td>
<td>80.2%</td>
</tr>
<tr>
<td>Black or African American – not Hispanic</td>
<td>33,162</td>
<td>21,997</td>
<td>66.3%</td>
</tr>
<tr>
<td>American Indian or Alaska Native – not Hispanic</td>
<td>3,378</td>
<td>2,629</td>
<td>77.8%</td>
</tr>
<tr>
<td>Asian – not Hispanic</td>
<td>41,793</td>
<td>39,716</td>
<td>95.0%</td>
</tr>
<tr>
<td>Filipino – not Hispanic</td>
<td>13,126</td>
<td>12,082</td>
<td>92.0%</td>
</tr>
<tr>
<td>Hispanic or Latino of any Race</td>
<td>232,084</td>
<td>171,467</td>
<td>73.9%</td>
</tr>
<tr>
<td>Pacific Islander – not Hispanic</td>
<td>2,902</td>
<td>2,315</td>
<td>79.8%</td>
</tr>
<tr>
<td>White – not Hispanic</td>
<td>133,124</td>
<td>120,654</td>
<td>90.6%</td>
</tr>
<tr>
<td>Two or More Races – not Hispanic</td>
<td>15,883</td>
<td>13,027</td>
<td>82.0%</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>247,693</td>
<td>181,974</td>
<td>73.5%</td>
</tr>
<tr>
<td>English Learner</td>
<td>72,176</td>
<td>37,693</td>
<td>52.2%</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>35,412</td>
<td>13,673</td>
<td>38.6%</td>
</tr>
</tbody>
</table>

Data source: CAHSEE 2009-10 DataQuest

Table 8 shows that 80.7 percent of the grade ten class of 2012 passed the mathematics portion. These percentages for both ELA and mathematics reflect continuing increases from prior years.

The county, district, and school reports are provided separately on the CDE CAHSEE Web page at [http://cahsee.cde.ca.gov/](http://cahsee.cde.ca.gov/).

Suspension, Expulsion, and Truancy Rates

EC Sections 48070.6 (c)(5) and 48070.6 (c)(6) require the CDE to report on behavioral data by school and district, including suspensions, expulsions, and truancies. Table 9 provides a summary of suspensions and expulsions overall for 2009-10. Table 10 provides a summary of truancies and the truancy rate overall for 2009-10.

The Consolidated Application Part I currently collects school-level incident data related to school climate through the School Reporting Form for the Uniform Management Information Reporting System (UMIRS). Subgroup data are not available at this time.
through the UMIRS. However, UMIRS data is scheduled to eventually be phased into and collected by the CALPADS as student-level data. At that time, subgroup data is scheduled to become available.

Table 9: Suspensions and Expulsions, 2009-10

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Enrollment</th>
<th>Violence/Drug Suspensions</th>
<th>Violence/Drug Expulsions</th>
<th>Total Persistently Dangerous Expulsions</th>
<th>Number of Non-Student Firearm Incidents</th>
<th>Overall Total Suspensions</th>
<th>Overall Total Expulsions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>6,102,161</td>
<td>326,914</td>
<td>17,422</td>
<td>2,852</td>
<td>5,292</td>
<td>757,045</td>
<td>21,039</td>
</tr>
</tbody>
</table>

Data source: Advance Data Collection for the Uniform Management Information Reporting System (UMIRS) for the Consolidated Application, Part I

Table 9 shows that approximately 750,000 student suspensions and 21,000 student expulsions occurred in California in 2009-10. This table shows statewide counts rather than rates of suspensions and expulsions. Rates are unable to be determined because an unduplicated count of students who receive suspensions and expulsions during the school year is not collected at this time.

The truancy rate is calculated as follows:

Numerator: Number of students with unexcused absence or tardy of more than 30 minutes on three different days or more (truant) for the 2009-10 school year

Denominator: Number of students enrolled for the 2009-10 school year

Table 10: Truancy Rate, 2009-10

<table>
<thead>
<tr>
<th>Demographic Subgroup</th>
<th>Enrollment</th>
<th>Number of Students With Unexcused Absence or Tardy on 3 or More Days (truants)</th>
<th>Truancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>6,102,161</td>
<td>1,717,744</td>
<td>28.2%</td>
</tr>
</tbody>
</table>

Data source: Advance Data Collection for the Uniform Management Information Reporting System (UMIRS) for the Consolidated Application, Part I

Table 10 shows that 28.2 percent of California students were considered truant during 2009-10.

The county, district, and school reports are provided separately on the CDE DataQuest Expulsion, Suspension, and Truancy Web page at http://dq.cde.ca.gov/dataquest/.

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3 Does not include non-public schools data. Not all agencies submitted data.
**School Climate and Student Engagement Data**

*EC Section 48070.6 (f)* specifies that the CDE may report on relevant data on school climate and pupil engagement from the California Healthy Kids Survey (CHKS). Because inclusion of the state and local reports for the CHKS would render this written report unwieldy, the state and local reports are provided separately online. The state reports are on the CHKS Web pages (outside source) at [http://chks.wested.org/reports](http://chks.wested.org/reports) and [http://chks.wested.org/indicators](http://chks.wested.org/indicators). The county and district level reports are provided on the CDE DataQuest CHKS Web page at [http://dq.cde.ca.gov/dataquest/](http://dq.cde.ca.gov/dataquest/).

The information provided by the CHKS is limited. The CHKS reports are available at the LEA level but not at the school level. The CHKS is administered only at grades five, seven, nine, and eleven, and, therefore, the Safe and Healthy Kids Program Office reports the CHKS data only for those grade levels. In addition, not all LEAs administer and report data on the CHKS because not all LEAs are required to do so. The CHKS is reported only by LEAs that receive federal or state funding that requires it.

Continued funding for the CHKS is currently uncertain, and LEAs do not report the data each year. School districts receiving Title IV funding were previously required to administer the CHKS once every two years. The federal Title IV grant ended in June 2010, and, therefore, there is no longer a mandatory reporting requirement that necessitates implementation of the CHKS for most schools and districts.

A recent California bill, AB 1368, proposes to establish the CHKS in statute and would require school districts to administer the survey when funding is available. However, this bill is currently in suspension.

The state’s Tobacco Use and Prevention Education grant provides state funding to 59 districts and requires CHKS data to be reported by those districts.

The CDE received a one-time, four-year federal Safe and Supportive Schools (S3) grant in 2010 to measure school climate and programmatic interventions in the lowest achieving high schools. As part of the grant requirement, participating districts must administer the CHKS and other school climate surveys in 2011 and 2014. Currently, 58 districts and 204 high schools are participating. The grant period is from October 2010 to September 2014. After 2014, federal funding for school climate is uncertain.

It is important to interpret the CHKS results with caution. Results can be significantly impacted by response rates, the type of parental consent used (passive or active), gender differences, regional variations, and other issues. More information about the CHKS data collection is available at [http://www.cde.ca.gov/ls/he/at/datacollection.asp](http://www.cde.ca.gov/ls/he/at/datacollection.asp).
Future Dropout, Graduation, and Related Reports

One-Year on Track for Credits to Graduate

EC Section 48070.6 (a)(5) requires the CDE to report on the percentage of high school students for each of grades 9 to 12, inclusive, who are on track to earn sufficient credits to graduate. Reporting whether students are on track to graduate according to “sufficient” credits to graduate is not currently possible to determine with current or future data that CALPADS is planning to collect. Although CALPADS will eventually be collecting the number of credits a student attempted and the number of credits a student earned, CDE will still be unable to calculate whether the student has earned sufficient credits to graduate because districts do not use a common standard in assigning number of credits nor a common standard for the minimum number of credits to graduate. Until common standards are implemented statewide, this requirement of SB 651 will not be possible to report.

California’s statewide minimum graduation requirements pursuant to EC 51225.3 specifies the minimum number of years (rather than number of credits) required in the subject areas of English, mathematics, social science, science, foreign language, visual and performing arts, physical education, and electives. However, the number of credits assigned for a year of English, for example, varies across districts. Similarly, graduation requirements for the number of total credits for each content area vary across districts. It is not possible to accurately determine if a student is on track to graduate until there are mandated statewide common standard definitions for credit assignments and a statewide minimum number of credits to graduate for each content area.

Five- and Six-Year Cohort Graduation Rates, Grades 9 to 12

EC Section 48070.6 (c)(1) requires the CDE to report rates at which students graduate in four, five, and six years, pursuant to EC Section 52052 (a)(4)(A), which refers to reporting graduation rates for the API. Currently, only four year cohort graduation rates are available for the class of 2009-10, and are included in this report (see Table 1). Five year cohort rates will be available for the class of 2010-11, and six year cohort rates will be available for the class of 2011-12.

On the API Web page at http://api.cde.ca.gov, graduation rates are also compared to school growth targets. Four-year adjusted cohort graduation rates are posted on DataQuest for the first time for the class of 2009-10.

Rates of Graduates Who Completed Two or More CTE Courses

EC Section 48070.6 (c)(3) requires the CDE to report on the percentage of high school graduates who completed two or more classes in career technical education (CTE). The CDE does not currently collect summary information on CTE course taking patterns. Although CALPADS includes course characteristics data elements that indicate if a
course is related to CTE, statewide course data is not available for 2009-10. It is uncertain how soon course data may be available in the near future.

The CALPADS will include a data element that indicates if a student completes a CTE pathway by completing capstone courses and by passing locally developed and administered assessment, thus demonstrating competence in a specific CTE course sequence (pathway). This indicator is not available for 2009-10 but may be available in the near future.

Rates of Graduates Who Completed UC/CSU and CTE courses

EC Section 48070.6 (c)(4) requires the CDE to report on the percentage of high school graduates who completed both course sequences, i.e., completing UC/CSU courses and completing two or more CTE classes. As noted in the prior section, CTE information will not be available for 2009-10 but may be available in the near future.

One-Year Cohort Dropout Rates, Each of Grades 7 to 12

EC Section 48070.6 (a)(1) requires the CDE to report one-year dropout rates for each of grades 7 to 12, inclusive. One-year dropout rates for middle schools are provided in this report (Tables 4 and 5). One-year dropout rates for each of grades 7 to 12 for 2009-10 are not available for this report, but they are scheduled to be available for 2010-11.

"Full-year" Four-Year Dropout Rates for Alternative Schools

EC Section 48070.6 (a)(7) requires the CDE to report “full-year” dropout rates for alternative schools, including dropout recovery high schools, calculated using a methodology to appropriately reflect dropout rates in each type of alternative school. These rates are not available for 2009-10 for this report, but they are scheduled to be available for 2010-11. EC Section 48070.6 (a)(8) requires the CDE to identify and describe the methodology used to calculate “full-year” dropout rates. Although the rates will not be available for this report, the CDE has identified a methodology to calculate “full-year” dropout rates.

Students in alternative and dropout recovery high schools tend to be highly mobile and often transfer in and out of the school within a school year. Regular dropout rates do not adjust for high mobility in schools. As a result, alternative schools tend to have higher dropout rates than regular schools. To account for highly mobile populations and report “full year” dropout rates, the CDE proposes that the four-year cohort dropout rates for alternative schools, including dropout recovery high schools, use an adjusted method of calculation. This adjusted method would include students in the calculation only if they were enrolled at the school at least a minimum number of days (to be determined) within the four-year cohort time span. This approach would eliminate from the calculation students who were enrolled at an alternative or a dropout recovery high
school a short time only who would have had a greater likelihood of dropping out. Data for alternative schools would be included in the district totals.

The proposed cohort rate for each alternative school type would be calculated as follows.

Numerator: Number of cohort members who were enrolled at least the minimum number of days (to be determined) and who drop out from 2006-07 to 2009-10

Denominator: Number of first time 9th graders in fall 2006 (starting cohort) plus students who transfer in, minus students who transfer out, and who were enrolled for at least the minimum number of days (to be determined) during school years 2006-07, 2007-08, 2008-09, and 2009-10

The “full-year” dropout rates would apply to alternative and dropout recovery schools only. In the rest of this report, results of alternative and dropout recovery high schools are included in calculations with all other schools (i.e., Tables 1-10 in this report). In Tables 1-10, alternative and dropout recovery high schools are treated the same as all other schools in the calculations. In contrast, “full-year” four year dropout rates would include only alternative and dropout recovery high schools and would use an adjusted calculation methodology to account for the unique mobility challenges of these schools with highly mobile student populations.

Alternative schools for purposes of this report would include dropout recovery high schools, continuation high schools, community day schools, juvenile court schools, special schools, opportunity schools, and schools attended by wards of the DJJ. For purposes of this report, "dropout recovery high school" has the same meaning as defined in EC 52052, i.e., a high school in which 50 percent or more of its students have been designated as dropouts pursuant to the exit/withdrawal codes developed by the CDE for CALPADS.

One-Year Cohort Promotion Rates, Grade 9 to Grade 10

EC Section 48070.6 (a)(4) requires the CDE to report on grade 9 to grade 10 promotion rates. One-year statewide grade 9 to 10 cohort promotion rates for 2009-10 are not available for this report but are scheduled to be available for 2010-11.

Non-promotional School Moves, Grades 6 to 12

EC Section 48070.6 (a)(6) requires the CDE to report on the average number of non-promotional school moves that students make between grades 6 to 12, inclusive. Although CALPADS includes the date a student enrolls, the date a student exits, and the reason for the transfer, it does not contain a sufficient number of years of data to
report non-promotional school moves for all of grades 6 through 12. The data for grades 6 through 12 may be available in 2011-12 or 2012-13.

**Other available data**

*EC* Section 48070.6 (a)(10) requires the CDE to report other available data relating to dropout or graduation rates or pupil progress toward high school graduation. There is no additional data to report at this time. Other available data may be reported for 2010-11.
Reports Unable to be Produced

Rates of Dropouts Who Completed UC/CSU Course Criteria

EC Section 48070.6 (c)(2) requires the CDE to report on the percentage of high school dropouts who completed courses that are certified by the UC as meeting admission requirement criteria for the UC and CSU systems. This data is not available and not in the scope of the CALPADS contract.

Rates of Dropouts Who Completed Two or More CTE Courses

EC Section 48070.6 (c)(3) requires the CDE to report on the percentage of high school dropouts who completed two or more classes in CTE. This data is not available and not in the scope of the CALPADS contract.

Rates of Dropouts Who Completed UC/CSU and CTE courses

EC Section 48070.6 (c)(4) requires the CDE to report on the percentage of high school dropouts who completed both course sequences described in the prior two sections above. This data is not available and not in the scope of the CALPADS contract.

GED Earning Rates

EC Section 48070.6 (c)(7) requires the CDE to report on General Education Development (GED) test earning rates. Although the CALPADS includes an exit code on whether an individual completed the GED without a diploma, the CDE is unable to determine GED earning rates through CALPADS because CALPADS does not have data on whether an individual attempted the GED. The GED Testing Service provides annual reports of statewide GED results, however, the data is aggregated at the state level only. Regardless, the counts of those passing GED in CALPADS may not include all persons who passed the GED. This is because not all individuals allow release of their GED test information, and the individual identifiers under GED (SSNs) are different from those used for CALPADS (SSID). In addition, to be eligible to take the GED, a person must be 18 years or older or within 60 days of his or her 18th birthday or 17 years of age with certain restrictions. Because the GED is administered according to age and not according to grade level, it is not possible to attribute results by grade level. Similarly, because the GED is administered at test centers and not at schools or LEAs, it is not possible to attribute results by school or LEA. Until these issues are resolved, this report requirement is unable to be produced.

Chronic Absentee Rates

EC Section 48070.6 (c)(8) requires the CDE to report on chronic absentee rates, as defined in Section 60901. Section 60901 specifies that, contingent upon the receipt of
federal funds, the CDE shall prepare CALPADS to include data on a quarterly rate of pupil attendance to include rates of absence and chronic absentees. Federal funding for this purpose is currently uncertain, and the CDE has not yet begun the process to include the data in CALPADS. Until funding issues are resolved, this report requirement is unable to be produced.
CALPADS Finds Statewide Graduation Rate of 74.4 Percent
Data System Provides Most Accurate Measure of Student Success

SACRAMENTO—State Superintendent of Public Instruction Tom Torlakson announced today that nearly three out of four California students who started high school in 2006 graduated with their class in 2010, with slightly more than 18 percent dropping out rather than completing their K-12 educations.

The graduation and dropout rates continue to show a significant achievement gap between students who are Hispanic, African American, or English learners and their peers. The 74.4 percent statewide graduation rate and 18.2 percent statewide dropout rate—as well as rates calculated for counties, districts, and schools across California—were for the first time based on four-year cohort information collected about individual students using the state’s California Longitudinal Pupil Achievement Data System (CALPADS).

“For far too long, the discussion about graduation and dropout rates has revolved around how the results were obtained. Now, we can focus on the much more important issue of how to raise the number of graduates and lower the number of dropouts,” Torlakson said.

To download state, county, district, and school graduation and dropout rates, please visit the CDE DataQuest Web site at http://dq.cde.ca.gov/dataquest/.

Beyond the 74.4 percent graduation rate and the 18.2 percent dropout rate, the remaining 7.4 percent of this cohort are students who are neither graduates nor dropouts. Some are still enrolled in school (6.6 percent); others are non-diploma special education students (0.5 percent), and those who passed the General Educational Development Test® (0.4 percent).

More…more…
The new cohort graduation rate will now serve as a baseline in 2011. In 2012, it will also replace the previous formula to determine graduation rates as required by U.S. law. The previous formula, called the “National Center for Education Statistics (NCES) completer rate” is used to determine whether schools have met their targets for increasing the graduation rate for Adequate Yearly Progress reporting under the federal accountability system. The NCES completer rate was needed until California had four years of longitudinal student data to calculate a cohort rate.

The new cohort graduation rate of 74.4 percent for the class of 2010 should not be compared to any rates from previous years because it is based on a different method of calculation. For example, the NCES completer rate did not account for students who transferred into or out of schools over four years and overestimated the graduation rate. The new cohort rate takes student mobility into account. Also because the new cohort graduation rate is based on a different method of calculation, it is not possible to calculate the exact percentage of change from the graduating class of 2009, though the data clearly indicate an increase in the graduation rate and a decrease in dropout rate.

The new cohort dropout rate also will serve as a baseline in 2011. It is calculated with the same four-year cohort as the graduation rate. The new cohort dropout rate of 18.2 percent for the class of 2010 should not be compared to any rates from previous years because it is based on a different method of calculation. Also, it is not possible to calculate the exact percentage of change from the class of 2009.

Dropout rates for traditional high schools will tend to be lower than the state rate and graduation rates will tend to be higher because many students at risk of dropping out are often transferred to county-run dropout recovery or educational option programs. If students drop out after they transfer, then these students would be attributed to the county-run or educational option program, rather than to the traditional high school.

People must use caution when analyzing dropout rates for schools with high mobility, such as alternative schools or dropout recovery high schools. In many cases, these schools serve only those students who are already at the greatest risk of dropping out of school because of their prior academic challenges. So it is also inappropriate to compare dropout rates for these schools to local comprehensive high schools.
The new cohort dropout rate is calculated for high school students, grades nine through twelve. However, there are significant numbers of students who drop out of school during the middle school years. California Education Code Section 52052.1 requires the inclusion of grade eight and grade nine dropout rates in a school’s Academic Performance Index (API), the state accountability system. Grade eight and grade nine dropouts from the 2009–10 school year are planned for inclusion beginning with the 2011 Base API in the spring of 2012, pending approval of the State Board of Education. The baseline data indicate that more than 17,000 grade eight students in 2008-09 dropped out of school before entering grade nine. This report can be accessed on the API Reports on the California Department of Education Web site at:

“The new cohort data collection system shines a light on the middle school dropout problem,” added Torlakson. “Our research shows that chronic absence from school, even as early as kindergarten, is a strong indicator of whether a child will drop out of school later. Clearly, we need to invest more in programs designed to keep elementary and middle school students in school.”

The new cohort rates indicate that there is still a significant gap that persists between Hispanic and African American students and their peers. While there remains a significant graduation rate gap for Hispanic students at 67.7 percent, it is encouraging that about 4,700 more Hispanics graduated in 2010, by far the largest increase by any other subgroup of students. Most troubling are the 59.0 percent graduation rate among African American students and the 56.3 percent graduation rate among English learners.

Consistent with the graduation rates, the dropout rates also illustrate that African American students (30.1 percent) and English learners (31.1 percent) are more likely to drop out than their peers.

“Sadly, the graduation rates of these subgroups of students are too low and their dropout rates are too high,” added Torlakson. “As I mentioned during my presentation of A Blueprint for Great Schools last Tuesday, our job is to provide every child the best chance to succeed—whether they speak English, come from a family in poverty, have health issues, or special needs. The Blueprint offers a vision about how to get there.
"These new cohort rates are only the first glimpse of the data-rich information that will come from CALPADS. It is a wise investment for the state to have accurate information from which to make good policy decisions. I am grateful for the continued support of CALPADS from the Governor and the Legislature.

“I also want to thank school staff throughout California for their hard work in submitting data to CALPADS. Their work is helping to provide valuable information to keep students in school and learning so they’ll have a better future.”

For more information on Torlakson’s A Blueprint for Great Schools, please visit http://www.cde.ca.gov/blueprint/.

# # # #

The California Department of Education (CDE) is a state agency led by State Superintendent of Public Instruction Tom Torlakson. For more information, please visit http://www.cde.ca.gov or by mobile device at http://m.cde.ca.gov/. You may also follow Superintendent Torlakson on Twitter at http://www.twitter.com/TorlaksonSSPI and Facebook at http://www.facebook.com/CAEducation.
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

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**RECOMMENDATION**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the State Superintendent of Public Instruction’s (SSPI’s) proposed performance standards (levels) for the California Modified Assessment (CMA) for English-language arts (ELA) in grades ten and eleven 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 CMA for ELA in grades ten and eleven and Geometry to be brought to the SBE in November 2011 for adoption; in compliance with California Education Code (EC) Section 60605 requiring the SBE to adopt statewide performance standards (levels).

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

At the January 2011 meeting, the SBE adopted performance standards (levels) for the CMA for ELA in grade nine, Algebra 1, and life science in grade ten.

At the November 2009 meeting, the SBE adopted performance standards (levels) for the CMA for ELA in grades six through eight; mathematics in grades six and seven; and science in grade eight.

At the November 2008 meeting, the SBE adopted performance standards (levels) for the CMA for ELA and mathematics in grades three through five, and science in grade five.

**SUMMARY 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).

**SUMMARY OF KEY ISSUES (Cont.)**
As with previous standard settings, a group of educators and stakeholders convened to recommend performance standards (levels) for the CMA for ELA in grades ten and eleven and Geometry. The 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 spring 2011 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:

- CMA for 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
- Standards-based Tests in Spanish (STS) for reading/language arts 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

SUMMARY OF KEY ISSUES (Cont.)
The CMA performance standard setting group for ELA and mathematics will meet on August 15–19, 2011. The SSPI’s recommendations for the proposed performance standards (levels) for the CMA will be provided (Attachment 1) in an item addendum along with the standard setting panel’s recommendations for the proposed performance standards (levels) (Attachment 2).

**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 California Modified Assessment will be provided as an Item Addendum.

Attachment 2: Standard Setting Panel’s Recommendations for the Proposed Performance Standards (Levels) for the California Modified Assessment will be provided as an Item Addendum.
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM 16
CALIFORNIA STATE BOARD OF EDUCATION
SEPTEMBER 2011 AGENDA

SUBJECT
California College, Career, and Technical Education Center: Hold a Public Hearing and Consider Revocation Pursuant to Education Code Section 47607(e).

RECOMMENDATION

If on September 7, 2012, the State Board of Education (SBE) issues a Notice of Intent to Revoke the charter of the California College, Career, and Technical Education Center (CCCTEC), the California Department of Education (CDE) recommends that the SBE hold a public hearing to consider the revocation of the CCCTEC charter.

If the SBE finds sufficient grounds for revocation, the CDE recommends that the SBE adopt the Final Decision to Revoke and Notice of Facts in Support of the Revocation of the California College, Career, and Technical Education Center Charter (Attachment 1), effective 4 pm, Friday, September 9, 2011.

If the SBE adopts Attachment 1, CCCTEC is directed to comply immediately with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between the SBE and CCCTEC, with the exception of keeping the school until 4 pm, Friday, September 9, 2011, for the purpose of transitioning all CCCTEC students to a new school. As set forth in Appendix E, CCCTEC will immediately identify an individual who will serve as the single point of contact for CCCTEC regarding the school's closure activities and will notify the family of each student enrolled of CCCTEC's closure and assist the students and the Yolo County Office of Education in that transition.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On June 27, 2011, the SBE president issued a letter to CCCTEC informing the school that it would be considered by the SBE on July 14, 2011, regarding a proposed Notice of Violation. At the July 14, 2011, meeting, the SBE acted to adopt the June 27, 2011, letter as a Notice of Violation to CCCTEC.

On September 7, 2011, the SBE is scheduled to consider evidence provided by CCCTEC, as well as recommendations of the Advisory Commission on Charter Schools.
SUMMARY OF PREVIOUS … (Cont.)

(ACCS) and CDE analysis and recommendations, and if it deems appropriate, issue a Notice of Intent to Revoke the CCCTEC charter.

SUMMARY OF KEY ISSUES

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

(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 the law.

Pursuant to EC Section 47607(d) that specifies, “prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation,” the SBE notified CCCTEC of the alleged violations on June 22, 2011, and the SBE issued a Notice of Violation to CCCTEC at its July 14, 2011, meeting.

CCCTEC was given until July 22, 2011, to submit evidence to the SBE that refuted, remedied, or proposed to remedy the alleged violations. In addition, CCCTEC was given the opportunity to present evidence at the July 28, 2011, meeting of the Advisory Commission on Charter Schools (ACCS). At that meeting, the ACCS recommended that the SBE issue a Notice of Intent to Revoke the CCCTEC charter.

The SBE is scheduled to consider the evidence provided by CCCTEC, along with the ACCS and CDE recommendations at its September 7, 2011, meeting. If the SBE finds sufficient evidence that CCCTEC is unable to refute, remedy, or propose to remedy the alleged violations, the SBE may issue a Notice of Intent to Revoke the CCCTEC charter.

If the SBE issues a Notice of Intent to Revoke, it must provide written findings of fact in support of revocation to CCCTEC, along with a notice of public hearing.

The CDE recommends that if, at the public hearing, the SBE finds that CCCTEC cannot present evidence that it can refute, remedy, or propose to remedy the alleged violations, the SBE adopt the Final Decision to Revoke and Written Factual Findings to Support the Revocation of the California College, Career, and Technical Education Center Charter (Attachment 1), effective September 9, 2011 at 4:00 PM.
FISCAL ANALYSIS (AS APPROPRIATE)

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

If CCCTEC were to close, remaining obligations to the State include, but are not limited to, repayment of 2010–11 overpaid apportionment funds in the amount of $219,068 and repayment of its Charter Schools Revolving Loan in the amount of $100,786. In addition, the CDE is currently working with CCCTEC to validate a number of PCSGP expenditures. CCCTEC would be invoiced for any PCSGP expenditures that cannot be validated or are otherwise disallowed by CDE.

ATTACHMENTS

Attachment 1: The State Board of Education Final Decision to Revoke and Written Factual Findings to Support the Revocation of the California College, Career, and Technical Education Center Charter (6 Pages)

Attachment 2: Excerpts from the Memorandum of Understanding Between the California State Board of Education and the California College, Career, and Technical Education Center (10 Pages)
September 8, 2011

Paul Preston
Superintendent/CEO and Member of the California College, Career, and Technical Education Center Board of Directors
California College, Career, and Technical Education Center
890 Embarcadero Drive
West Sacramento, CA 95691
E-mail: paul@ccctec.org

Steve McPherson
Member of the California College, Career, and Technical Education Center Board of Directors
890 Embarcadero Drive
West Sacramento, CA 95691
E-mail: steve@ccctec.org

Dear Mr. Preston and Mr. McPherson:

**Subject: Final Decision to Revoke and Notice of Facts in Support of Revocation Pursuant to Education Code (EC) Section 47607(e)**

This letter serves as notification that the State Board of Education (SBE) made a final decision to revoke the California College, Career, and Technical Education Center Charter School (CCCTEC) effective 4 pm, Friday, September 9, 2011, pursuant to *Education Code (EC) 47607(e)*. CCCTEC is hereby directed to immediately comply with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between CCCTEC and the SBE, with the exception of keeping the school open until 4 pm, Friday, September 9, 2011, for the purpose of transitioning all CCCTEC students to a new school. As set forth in Appendix E, CCCTEC will immediately notify the family of each student enrolled of CCCTECs closure and assist the students and the Yolo County Office of Education in that transition.

On August 26, 2011, you were sent a letter, and contacted via e-mail, notifying you that the SBE would consider issuing a Notice of Intent to Revoke the CCCTEC charter and a Notice of Facts in Support of Revocation on September 7, 2011, and that, should the SBE issue such a notice, a hearing would be held...
on September 8, 2011 regarding final revocation of the CCCTEC charter. On September 7, 2011, CDE staff contacted you regarding the Board’s action and to provide you notification of the hearing on September 8, 2011.

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

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.


The State Board of Education (SBE) issued a Notice of Violation dated July 18, 2011, informing the California College, Career, and Technical Education Center (CCCTEC) that it may have violated _EC Section 47607(c)(3) and (c)(4)_, and that these violations could be the basis for an action to revoke the CCCTEC charter. On June 22, 2011, CCCTEC was notified in writing regarding the violations alleged in the Notice.

The Notice provided CCCTEC with an opportunity to submit evidence to the SBE by July 22, 2011, that refuted, remedied, or proposed to remedy the alleged violations. CCCTEC was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its July 28, 2011, meeting.

After consideration of the evidence presented by CCCTEC, the ACCS and the CDE conclude that CCCTEC has failed to refute, remedy, or propose to remedy the violations included in the Notice of Violation as follows:

**Facts relating to _EC Section 47607(c)(3)_ that CCCTEC has failed to meet generally accepted accounting principals or engaged in fiscal mismanagement that may hinder its ability to open and operate in the 2011–12 school year:**

CCCTEC has failed to provide a budget and cash flow statement that includes all sources of revenue and liabilities, including, but not limited to, the following items: (a) revenues for the remainder of the current fiscal year and through February 2012; and (b) liabilities for the remainder of the current fiscal year and through February 2012.
Based on CDE analysis of the materials submitted by CCCTEC on July 22, 2011, CDE is unable to ascertain whether CCCTEC can operate until February 2012. The budget provided by CCCTEC lacked a narrative or sufficient detail to make an accurate analysis, no cash flow statements were provided, and the budget contained information that contradicts information obtained by the CDE.

CCCTEC presented in its written evidence that it would remedy the cash flow shortage by reapplying for a loan from the Revolving Loan Fund. However, these funds are not guaranteed, and CDE finds no evidence that a new CCCTEC application would provide a sufficient basis to issue a loan.

CCCTEC also proposed to remedy problems with its attendance accounting and reporting system by contracting with a new vendor and providing training for staff. However, no evidence was included that described the services being contracted or evidence of dates and details of any staff training.

In response to concerns regarding lack of payment of teachers’ salaries, CCCTEC included in its evidence an assurance that “as funds become available to CCCTEC any past amounts owed to employees will be paid.” However, there is no indication that any funds are available to do so, and no substantiating evidence to indicate how much is actually owed to each teacher.

Similarly, CCCTEC addresses concerns regarding a lack of payment to Yolo County Office of Education for the California State Teachers Retirement System (CALSTRS) by stating that “as funds become available to CCCTEC any past amounts owed to the State Teachers Retirement System will be paid” and that “CCCTEC has agreed to work with the back office provider to insure [sic] clear communication exists to prevent a repeat of this type of event.” The CDE cannot find any evidence of funds becoming available to enable CCCTEC to make CALSTRS payment. In addition, CDE finds a lack of evidence regarding the relationship between CCCTEC and a back office provider.

CCCTEC addresses concerns regarding the federal Carol M. White Physical Education Program (PEP) grant findings that require CCCTEC to return PEP grant funds by stating that “CCCTEC feels that with further review of the expenditures the amount identified by the PEP program will again be substantially reduced.” However, all communications as of July 21, 2011, between the CDE and the PEP grant office indicate that there has been no change to the findings, and that, in fact, CCCTEC has
become further out of compliance with the requirements of the grant. PEP grant staff also indicated that CCCTEC would not be allowed to draw down year two funds from the PEP grant program. CCCTEC provides no evidence to indicate there has been communication with PEP grant staff or that PEP grant staff have lowered the amounts owed as indicated in their May 31, 2011, monitoring report.

- CCCTEC provides in its evidence that it has receivables available in the amount of $306,000 from the Public Charter Schools Grant Program (PCSGP) that it could sell in order to generate cash flow. However, PCSGP staff issued a letter to CCCTEC dated July 18, 2011, indicating that CCCTEC was out of compliance with the terms of the grant and had until August 1, 2011, to remedy issues raised in the letter. Failure to remedy the issues described would indicate in an invoice being issued to CCCTEC for return of PCSGP funds. In addition, CCCTEC would not be considered in good standing with the PCSGP and would be unlikely to secure an agreement to sell PCSGP receivables.

- CCCTEC submitted documents describing its insurance policies as requested; however no evidence was provided that indicated whether premiums had been paid. An invoice for 2011–12 was provided that showed an amount due of $16,263.88. However, the only indication of any payment is a hand-written note on the invoice that states “PAID $3000.00 7/1/11 owe $13,263.88 for 2011–12.”

- CCCTEC was asked to provide evidence of any outstanding invoices due to vendors. While CCCTEC did provide invoices that had not yet been disclosed to the CDE, CCCTEC did not provide invoices to several vendors that have provided unpaid invoices to the CDE. In addition, CCCTEC provided little to no detail regarding the amounts due to teachers and staff, and no detail regarding a plan to pay past due salary taxes and benefit payments. This lack of evidence increases the CDE’s significant concerns regarding the capacity of CCCTEC to use generally accepted accounting principles to manage its accounts.

Facts relating to EC Section 47607(c)(4): that CCCTEC may have violated a provision of law, EC Section 47605(l), that requires teachers of core subjects to possess an appropriate credential or other document authorizing them to teach the subjects to which they are assigned:

CCCTEC has failed to provide evidence of highly-qualified status and proper credentialing for all core teachers employed in the 2010–11 and 2011–12 school years and a detailed plan regarding plans to recruit and hire highly-qualified and properly credentialed teachers for the 2011–12 school year, including master schedules that identify teacher assignments for each course.
In the evidence submitted by CCCTEC, CCCTEC states that “all students were appropriately supervised with an appropriately credentialed teacher in all core classes” and that “CCCTEC does have 2 teachers who are interns in Fortune School and National University.” As evidence, CCCTEC provides copies of teacher credentials. However, the CDE cannot draw conclusions regarding the appropriateness of the provided credentials, as no teacher assignments were aligned to them. In addition, no master schedule was provided, so there is no way for CDE to discern how many teachers of core subjects were or will be hired and whether those teachers were properly credentialed.

CCCTEC also proposes that it will work with the CDE to “clarify staff assignments and show matching credentials with CDE staff in the future including teachers in intern programs.” The CDE finds that this proposal lacks sufficient detail to ensure that credentialing requirements are met. Specifically, the CDE finds that CCCTEC may not understand that enrollment in an intern program does not constitute appropriate credentialing.

Final Decision to Revoke

Based upon these facts, the SBE issued hereby issues this Final Decision to Revoke the CCCTEC charter effective 4 pm, Friday, September 9, 2011. This revocation is based upon EC Section 47607(c)(3): that CCCTEC has failed to meet generally accepted accounting principals or engaged in fiscal mismanagement that may hinder its ability to open and operate in the 2011–12 school year; and EC Section 47607(c)(4): that CCCTEC may have violated a provision of law, EC Section 47605(l), that requires teachers of core subjects to possess an appropriate credential or other document authorizing them to teach the subjects to which they are assigned.

CCCTEC is hereby directed to immediately comply with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between CCCTEC and the SBE, with the exception of keeping the school open until 4 pm, Friday, September 9, 2011, for the purpose of transitioning all CCCTEC students to a new school. As set forth in Appendix E, CCCTEC will immediately identify an individual who will serve as the single point of contact for CCCTEC regarding the school’s closure activities and will notify the family of each student enrolled of CCCTEC’s closure and assist the students and the Yolo County Office of Education in that transition.

If you have any questions or need any additional information regarding this Final Decision to Revoke and Notice of Facts Supporting Revocation, please contact Sue Burr, Executive Director, SBE at 916-319-0938 or via e-mail at SBurr@cde.ca.gov.
Sincerely,

Dr. Michael Kirst  
President  
California State Board of Education

MK:bg

cc:  Sue Burr, Executive Director, California State Board of Education  
     Tom Torlakson, State Superintendent of Public Schools  
     Linda Legnitto, Assistant Superintendent, Yolo County Office of Education  
     Judy Cias, Chief Counsel, California State Board of Education  
     Amy Holloway, General Counsel, California Department of Education  
     Beth Hunkapiller, Director, California Department of Education, Charter Schools Division
Excerpts from the Memorandum of Understanding Between the California State Board of Education and the California College, Career, and Technical Education Center Closure Procedures and Appendix E

Memorandum of Understanding Section 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.

Memorandum of Understanding Section 4.7: Revocation

The State Board of Education (SBE) retains the right to revoke the charter pursuant to Education Code (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 California Department of Education (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.

Memorandum of Understanding Section 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 California Code of Regulations, Title 5, 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 State Superintendent of Public Instruction 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.
### Appendix E
**Invoking Closure Procedures**

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<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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### Immediate Actions

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<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>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>
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<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>
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## Students and Families

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<td>5</td>
<td>The charter school shall notify the family of each student enrolled of the school’s closure. Unless the CDE otherwise directs, the notification shall be immediate in the case of a revocation (that takes immediate effect) or shall occur within ten days of the invocation of the closure procedures in the case of closure at the end of current academic year.</td>
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<td>6</td>
<td>The charter school shall continue instruction until the end of the current academic year (unless a revocation takes immediate effect). The charter school shall publicly announce cancellation of all future classes.</td>
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<td>7</td>
<td>If the charter school continues instruction to the end of the current academic year, report cards shall be issued within seven days of the end of classes.</td>
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<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>
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<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>
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<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>
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<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>
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<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>
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<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>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>
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<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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**Student and Business Records**

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<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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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.

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.

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.

Close all financial records of the school as of revocation or closure date.

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<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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<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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<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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<td>Close all financial records of the school as of revocation or closure date.</td>
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**Faculty and Staff**

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<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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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.

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.

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.

Prior to final closeout, the charter school shall do all of the following on behalf of the school’s employees:

- File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.
- File the Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63).
- Make final federal tax payments (employee taxes, etc.)
- File the final withholding tax return (Treasury Form 165).
- File the final return with the IRS (Form 990 and Schedule).
## Assets and Liabilities

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<td>26</td>
<td>The charter school shall notify all funding sources (including charitable partners) of the school’s closure within fourteen days.</td>
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<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>
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<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>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>
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<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>
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<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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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.

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.

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.

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<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>
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Dissolution of the School (Corporate) Entity

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<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>
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California State Board of Education
Meeting Agenda Items for September 7-8, 2011

ITEM W-1
General Waiver

SUBJECT
Request by one county office of education and eight 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: 16-6-2011, 27-6-2011, 50-6-2011, 1-7-2011, 2-7-2011, 3-7-2011, 5-7-2011, 6-7-2011, and 8-7-2011

RECOMMENDATION

Approval with conditions

The California Department of Education recommends approval with the following conditions:

1. Each charter school will operate five tracks; each will offer a minimum of 175 days 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.

Because this waiver is granted for two consecutive years, EC 33051(b) will apply, and the County Office of Education and the 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 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
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION (Cont.)

waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past eleven years.

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. 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.

One county office of education and eight school districts (Attachment 1) are requesting these waivers on behalf of nine charter schools to allow the charter schools to operate a five-track calendar. Each of the schools provides its accountability data under the Alternative Schools Accountability Model.

The total number of days each school is actually 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 five 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. The charter has proven that no track has fewer than 55 percent of its school days occurring prior to April 15, one criterion of the SBE waiver policy.
SUMMARY OF KEY ISSUES (Cont.)

On the basis of this analysis and with the conditions as listed, the Department recommends approval of these waivers. Because these waivers are granted for two consecutive years, \textit{EC 33051(b)} will apply, and the district will not be required to reapply annually if information contained on the request remains current.

Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in \textit{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

\textbf{Authority for Waiver:} \textit{EC Section 33050}

\textbf{Period of request:} July 1, 2011 to June 30, 2013

\textbf{Local board approval date(s):} See Attachment 1

\textbf{Public hearing held on date(s):} See Attachment 1

\textbf{Bargaining unit(s) consulted on date(s):} None of the charter schools has a bargaining unit.

\textbf{Name of bargaining unit/representative(s) consulted:} None of the charter schools has a bargaining unit.

\textbf{Position of bargaining unit(s) (choose only one):}

☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate): The charter schools do not have a bargaining unit.

\textbf{Public hearing advertised by (choose one or more):}

☐ posting in a newspaper ☐ posting at each school ☒ posting at district office

\textbf{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.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)
Attachment 4: Fresno County Office of Education General Waiver Request (2 Pages)
Attachment 5: Dehesa Elementary School District General Waiver Request (2 Pages)
Attachment 6: Palmdale Elementary School District General Waiver Request (2 Pages)
Attachment 7: Stone Corral Elementary School District General Waiver Request (2 Pages)
Attachment 8: Westside Elementary School District General Waiver Request (2 Pages)
Attachment 9: Antelope Valley Union High School District General Waiver Request (2 Pages)
Attachment 10: Julian Union Elementary School District General Waiver Request (2 Pages)
Attachment 11: Fresno Unified School District General Waiver Request (2 Pages)
Title 5, California Code of Regulations (5 CCR), Section 11960:
Regular Average Daily Attendance for Charter Schools.

5 CCR 11960 defines regular average daily attendance (ADA) in a charter school, and established 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 if the school operates fewer than 175 days in any fiscal year. Specifically, the section states:

(a) As used in EC Section 47612, "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.

(b) The State Superintendent of Public Instruction shall proportionately reduce the amount of funding that would otherwise have been apportioned to a charter school on the basis of average daily attendance for a fiscal year, if school was actually taught in the charter school on fewer than 175 calendar days during that fiscal year.

Background
This waiver is typically requested by charter schools that operate on a multi-track year-round education calendar. In a multi-track calendar, the total number of days that school is taught may actually 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 would be necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.
Evaluation Guidelines
A waiver of this regulation is necessary for a charter school that operates on a multi-track calendar to separately calculate ADA in each track, rather than using the total number of days school is actually taught as the basis for a single, overall ADA calculation. In order to evaluate any such waiver request, the State Board of Education (SBE) asks that those districts applying for such a waiver provide documentation which the California Department of Education (CDE) professional staff are then asked to use in reviewing and making recommendations about the request. The waiver request should include the following:

1. Identification of the charter school for which the district is requesting the waiver;
2. A copy of the charter school’s calendar for the year(s) for which the waiver is requested;
3. The number of tracks that the school operates;
4. The total number of days school is taught in the charter school;
5. The total number of days school is taught in each track; and,
6. The reason why the school is operating on multi-track.

Possible reasons for operating a multi-track calendar might include:

- The charter school is a conversion of an existing school which operated on a multi-track calendar prior to conversion.
- The school has limited facilities which require multi-track operation to adequately house the pupil population.
- The educational program, or target population of the school is best served by offering multiple tracks, for reasons explained in the waiver application.

In addition to a description of the school’s program as set forth above, the waiver request must provide assurances that the charter school will meet the following terms as a condition of approval of the waiver:

1. If the charter school is a start-up school, it will operate not more than five tracks; if it is a conversion school, it will operate no more than the number of tracks it operated prior to conversion;
2. If the charter school is a start-up school, each track will operate a minimum of 175 days; if the charter school is a conversion school, the school may continue its
previous schedule as long as it provides no less than 163 days of instruction in each track;

3. For each track, the charter school will provide the total number of instructional minutes contained in Education Code Section 46201.5(a)(2);

4. No track will have fewer than 55 percent of its school days prior to April 15; and

5. ADA will be calculated separately for each track by the method set forth in 5 CCR 11960, and then the resulting figures will be totaled.
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<tr>
<th>Waiver Number</th>
<th>School District</th>
<th>Local Board Approval Date</th>
<th>Advisory Committee Consulted</th>
<th>Public Hearing Date</th>
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<td>Stone Corral Elementary School District</td>
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<td>SSC and ELAC</td>
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<td>Fresno Unified School District</td>
<td>June 8, 2011</td>
<td>DAC</td>
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School Year

2011-2012

175 School Days

P1, P2, PA Days, Not including Supplemental

Track | P1 | P2 | PA
---|---|---|---
A | 106 | 121 | 175
B | 96 | 121 | 175
C | 76 | 121 | 175
D | 49 | 121 | 175
### 2012-2013 School Year

**175 School Days**

#### School Month

#### Weekend

#### Holiday

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#### P1, P2, PA Days, Not including Supplemental

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<tr>
<td>D</td>
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**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

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**CD CODE**

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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**

   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 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>
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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

Local educational agency: Office of Education
Fresno County Board of Education on behalf of:
Crescent View West Public Charter, Inc.
kak 7/18/11

Contact name and Title:
COE: Jamie D. Perry, Sr. Director
School: Dante R. Simi, CEO

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

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 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 ___ (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 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 ☐  
(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. 11-30-10)  http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:  _X_
Renewal Waiver:  ____

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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:
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

Contact person’s e-mail address:
jmwilson@sdcoe.net
shansen@learn4life.org

Address: (City) (State) (ZIP)
District: 4612 Dehesa Rd., El Cajon, CA 92019
School: 4585 College Avenue, Suite 4C, San Diego, CA 92115

Phone (and extension, if necessary):
District: (619) 444-2161
School: (619) 286-0312
School Fax: (619) 286-0791

Period of request: (month/day/year)
From: 7/1/2011 To: 6/30/13
Local board approval date: (Required)
June 23, 2011
Date of public hearing: (Required)
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): 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):  _X_ 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 District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Parent Advisory Council per M. Rukofski  kak 7/13/11

Date the committee/council reviewed the waiver request: May 10, 2011

Were there any objection(s)?  No  _X_ 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**).

   **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.

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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/

Page 1 of 2

Send Original plus one copy to:
Waiver Office, California Department of Education
1340 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>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>Palmdale Elementary School District on behalf of Antelope Valley Learning Academy, Inc.</td>
<td>District: Roger Gallizzi, Superintendent School: Gloria Fortine, Sr. VP, Education</td>
<td><a href="mailto:rdgallizzi@palmdalesd.org">rdgallizzi@palmdalesd.org</a> <a href="mailto:gfortine@learn4life.org">gfortine@learn4life.org</a></td>
</tr>
<tr>
<td>Address:</td>
<td>Phone (and extension, if necessary):</td>
<td></td>
</tr>
<tr>
<td>District: 39139 10th St. East, Palmdale, CA 93550-3419</td>
<td>District: (661) 947-7191</td>
<td></td>
</tr>
<tr>
<td>School: 1601 East Palmdale Boulevard, Suite C, Palmdale, CA 93550</td>
<td>School: (661) 266-2044</td>
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<tr>
<td>School Fax: (661) 224-2035</td>
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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? 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 ___ 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)
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 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)**
   - 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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**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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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

### Address:
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:
From: 7/1/2011 To: 6/30/13

### Local board approval date:
May 17, 2011

### Date of public hearing:
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_ _ _ 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.

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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:  ___

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Sacramento, CA 95814

Send Electronic copy in Word and
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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>Westside Elementary School District on behalf of Crescent View South, Inc.</td>
<td>District: Baldomero Hernandez, Supt. School: Dante R. Simi, CEO</td>
<td><a href="mailto:Baldor945@aol.com">Baldor945@aol.com</a> <a href="mailto:dsimi@learn4life.org">dsimi@learn4life.org</a></td>
</tr>
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<tr>
<th>Address: (City) (State) (ZIP)</th>
<th>Phone (and extension, if necessary): District: (559) 884-2494 School: (559) 222-8439 School Fax: (559) 222-8430</th>
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<tr>
<td>District: 19191 Excelsior Ave., Five Points, CA 93624</td>
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<tr>
<td>School: 1901 East Shields Avenue, Suite 169, Fresno, CA 93726</td>
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<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (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\_  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 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**).

   **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.

---

**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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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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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:
Antelope Valley Union High School District on behalf of Desert Sands Public Charter, Inc.

Contact name and Title:
District: David J. Vierra, Superintendent
School: Dante R. Simi, CFO

Address:
District: 44811 N. Sierra Hwy., Lancaster, CA 93534-3226
School: 701 West Avenue K, Suite 126, Lancaster, CA 93534

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

CD CODE
1 9 9 6 5 3 7

Local board approval date: (Required)
June 15, 2011

Date of public hearing: (Required)
June 15, 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: Parent Advisory Committee

Date the committee/council reviewed the waiver request: June 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*).  
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:  
Desert Sands Public Charter, Inc. has a student population of 2,926 and is located in the city of *Lancaster* 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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GENERAL WAIVER REQUEST

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Sacramento, CA 95814

Send Electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Julian Union Elementary School District on behalf of
Diego Valley Public Charter

Contact name and Title:
District: Kevin Ogden, Superintendent
School: Skip Hansen, Sr. Vice President

Contact person’s e-mail address:
kogden@sdcoe.net
shansen@learn4life.org

Address:  (City)  (State)  (ZIP)
District: 1704 Cape Horn, Julian, CA 92036
School: 237 East Main Street, El Cajon, CA 92020

Period of request:  (month/day/year)
From:  7/1/2011 To: 6/30/13

Local board approval date: (Required)
May 11, 2011

Date of public hearing: (Required)
5/10/2011

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 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**).

   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:

   Diego Valley Public Charter has a student population of 215 and is located in the city of El Cajon in San Diego 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.

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

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<th>Contact name and Title:</th>
<th>Contact person’s e-mail:</th>
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<tr>
<td>Fresno Unified School District on behalf of Ambassador Phillip V. Sanchez Charter</td>
<td>District: Michael Hanson, Superintendent School: Skip Hansen, Sr. Vice President</td>
<td><a href="mailto:michael.hanson@fresnounified.org">michael.hanson@fresnounified.org</a> <a href="mailto:shansen@learn4life.org">shansen@learn4life.org</a></td>
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<th>Address:</th>
<th>Phone (and extension, if necessary):</th>
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<tr>
<td>District: 2309 Tulare St., Fresno, CA 93721 School: 5659 East Kings Canyon Road, Suite 101, Fresno, CA 93727</td>
<td>District: (559) 457-3882 School: (559) 255-9017 School Fax: (559) 255-9037</td>
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<th>Date of public hearing:</th>
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<td>(month/day/year)</td>
<td>(Required)</td>
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<td>From: 7/1/2011 To: 6/30/13</td>
<td>June 8, 2011</td>
<td>May 18, 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): 
   - 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:
   - Date the committee/council reviewed the waiver request: May 18, 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**).  
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:  
   Ambassador Phillip V. Sanchez Public Charter has a student population of 240 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 STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

Request by Nevada County Office of Education to waive portions of California Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), related to charter school independent study pupil-to-teacher ratios to allow an increase from 25:1 to a 27.5:1 pupil-to-teacher ratio at Twin Ridges Home Study Charter School.

Waiver Number: 38-5-2011

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval of this waiver with the following conditions: (1) if Twin Ridges Home Study Charter School (TRHSCS) does not meet its Academic Performance Index (API) growth target for 2010–11 and 2011–12, the waiver will not be recommended for renewal; and (2) that the waiver be granted for two years less one day, thus Education Code (EC) Section 33051(b) will not apply, and the charter school will be required to reapply for the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2001, the California State Board of Education (SBE) adopted Waiver Policy #01-03, Independent Study: Average Daily Attendance (ADA)-to-Teacher Ratio, available at http://www.cde.ca.gov/re/lr/wr/documents/independentstudy.doc, which allows placement on the consent calendar any request to increase the pupil-to-teacher ratios for district and county independent study programs up to 10 percent over what is specified by law.

Although TRHSCS is a charter school, it meets the same criteria as the other local educational agencies covered by Waiver Policy #01-03.

SUMMARY OF KEY ISSUES

Education Code Section 51745.6, and California Code of Regulations, Title 5, Section 11704, and portions of Section 11963.4(a)(3), establish minimum requirements for ADA-to-teacher ratios in independent study that apply to non-classroom based charter schools. In essence, these sections require that the ratio meet the following criteria:
1. The ratio cannot exceed the equivalent ratio of ADA-to-full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest ADA of pupils in that county.

2. In a charter school, the ratio may be calculated by using a fixed ADA-to-certificated-employee ratio of 25:1, or by a ratio of less than 25 pupils per certificated employee.

Twin Ridges Home Study Charter School is requesting to increase the ADA-to-teacher ratio from 25:1 to 27.5:1. This constitutes a 10 percent increase. TRHSCS requests this increase to create a higher revenue source of approximately $70,000 by accepting an additional 14 students.

In the 2009–10 school year, TRHSCS had a 2010 Growth API score of 775, constituting a 19 point growth, thus exceeding its API growth target of 5 points by 14 points. Twin Ridges Home Study Charter School has one significant subgroup: white students, who exceeded its API performance target. The school did not make the 2010 Adequate Yearly Progress and met six out of seven corresponding criteria.

The Department recommends approval of this waiver with the following conditions: (1) if TRHSCS does not meet its API growth target for 2011–12 and 2012–13, the waiver will not be recommended for renewal; and (2) because the waiver is only granted for two years less one day, through June 29, 2013, EC Section 33051(b) will not apply, and the charter school will be required to reapply for the waiver in order to maintain the higher ratio.

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.

Demographic Information: TRHSCS currently serves 131 students. The school is authorized by the Nevada County Office of Education (Nevada COE).

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 29, 2013 (two years less one day)
SUMMARY OF KEY ISSUES (Cont.)

Local board approval date(s): May 11, 2011

Public hearing held on date(s): May 11, 2011

Bargaining unit(s) consulted on date(s): TRHSCS does not have a bargaining unit.

Name of bargaining unit/representative(s) consulted: TRHSCS does not have a bargaining unit.

Public hearing advertised by (choose one or more):

- [ ] posting in a newspaper
- [ ] posting at each school
- [ ] posting at the United States Post Office
- [X] other: postings at the Nevada COE, the Nevada COE Annex, and the Terence K. McAteer Resource Center

Advisory committee(s) consulted: Nevada County Board of Education; TRHSCS Charter Council

Objections raised (choose one): [X] None

- [ ] Objections are as follows:

Date(s) consulted: May 11, 2011 (Nevada County Board of Education); May 31, 2011 (TRHSCS Charter Council)

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (4 Pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
Independent Study: Average Daily Attendance (ADA)-to-Teacher Ratio

EC Section 51745.6:
(a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other education programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public Instruction.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratio described in subdivision (a) shall be eligible for apportionment pursuant to Section 42238.5, for school districts, and Section 2558, for county offices of education. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratio described in subdivision (a), except that those additional units shall not be funded pursuant to Section 42238.5 or Section 2558.

(c) The calculations performed for purposes of this section shall not include either of the following:

1. The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

2. The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.

(d) The pupil-teacher ratio described in subdivision (a) in a unified school district participating in the class size reduction program pursuant to Chapter 6.10 (commencing...
with Section 52120) may, at the school district's option, be calculated separately for kindergarten and grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

Background:  
The purpose of the ADA-to-teacher ratio requirement in state law is to ensure the students served through independent study receive access to instruction and support from appropriately certificated staff that is reasonably comparable to other students in the local education agency (LEA) who are served in regular classroom programs. The requirement was enacted specifically to stop perceived abuses where LEAs offered independent study with very high ADA-to-teacher ratios and, as a result, generated revenues to support other educational programs within those agencies.

Changes in statute which offered incentives to lower class sizes at the elementary and high school level have resulted in a commensurate lowering of the ADA-to-teacher ratio for independent study, even though independent study is not allowed to participate in the funding incentives for these programs. In addition, students in independent study may actually have a greater need for services in some areas, such as instructional materials, computer labs, and counseling services, than do students served in a classroom setting.

Evaluation Guidelines:  
The purpose of the waiver request of the entire EC Section 51745.6 may be to provide a quality educational program which is “reasonably comparable” to that provided to students within the same LEA who attend regular classrooms, and may also be considered appropriate if the purpose of the higher ADA-to-teacher ratio is to redirect resources to pay, for other services for the direct benefit of students in independent study, such as intensive counseling services provided by appropriately credentialed staff.

In order to evaluate any such waiver request, the State Board of Education (SBE) asks that those LEAs applying for such a waiver provide the following documentation. The SBE also asks that California Department of Education (CDE) professional staff use this documentation in reviewing and making recommendations about the request. The waiver request should include all of the following:

(1) Verification that all other requirements of the independent study option in the LEA are in current statutory compliance, in both operation and documentation.

(2) Verification of the LEA’s current ADA-to-teacher ratio, as calculated under the current formula in statute (EC Section 51745.6).

(3) The requested new maximum ADA-to-teacher ratio for the LEA’s independent study program, including a description of the agency’s independent study program and the rationale for the requested ratio. The rationale should explain
how the proposed change would improve the quality of education offered to independent study students (e.g. what new or increased services would be provided with the additional revenue claimable through the waiver).

In addition, the waiver request must provide assurances that the LEA will meet the following terms as a condition of approval of the waiver:

1. The waiver request is consistent with the general purpose of the law as described above.
2. The request for a new maximum ADA-to-teacher ratio for the independent study is not greater than 10% above the ratio that would be applicable absent the waiver, and this agreed new maximum ratio will be maintained in all future years of the waiver.
3. The district will expend all revenues generated by students in independent study on services for those students, recognizing the need to allow for reasonable indirect cost charges.
4. The LEA will provide an annual report of expenditures and assurances to the CDE, using the standard report form supplied, the Local Education Agency Report to California Department of Education: Use of Apportionment Funds Generated by Students in Independent Study.
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: ___

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: Nevada County Office Of Education on behalf of Twin Ridges Home Study Charter School
Contact name and Title: j6/9/11 Rachael Navarrete – Nevada COE Debbie MacDonald – Charter School
Contact person’s e-mail address: mnavarrete@nevco.k12.ca.us

Address: 117 New Mohawk Rd, Suite F Nevada City, CA 95959
111 New Mohawk Rd Nevada City, CA 95959

Phone (and extension, if necessary): 530-470-8510 ex: 209
Fax Number:

Local board approval date: May 11, 2011
Date of public hearing: May 11, 2011

Orange County Board of Education
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 portions of 51745.6, CCR, Title 5, sections 11704, and portions of 11963.4(a)(3)  j6/10/11

Topic of the waiver: Independent Study: Average Daily Attendance (ADA)  j6/10/11

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  __ 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?


5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Nevada County Board of Education Board Members.

Date the committee/council reviewed the waiver request: May 11, 2011.

Were there any objection(s)? No ✔ Yes ___ (If there were objections please specify)

Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Twin Ridges Home Study Charter School Counsel Members.

Date the committee/council reviewed the waiver request: May 31, 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).

51745.6. (a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public Instruction.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratio described in subdivision (a) shall be eligible for apportionment pursuant to Section 42238.5, for school districts, and Section 2558, for county offices of education. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratio described in subdivision (a), except that those additional units shall not be funded pursuant to Section 42238.5 or Section 2558.

(c) The calculations performed for purposes of this section shall not include either of the following:

1. The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

2. The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.

(d) The pupil-teacher ratio described in subdivision (a) in a unified school district participating in the class size reduction program pursuant to Chapter 6.10 (commencing with Section 52120) may, at the school district's option, be calculated separately for kindergarten and grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

(e) The pupils-to-certificated-employee ratio described in subdivision (a) may, in a charter school, be calculated by using a fixed pupils-to-certificated-employee ratio of 25 to one, or by being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in pupil-to-certificated-employee ratio calculations.
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.

Although the Charter is currently adhering to the 25:1 required student to teacher ratio, we are requesting permission to claim average daily attendance at levels up to 27 ADA per FTE teacher. With the current 7.2 FTE, the change would allow the Charter to accept an additional 14 students, thus creating a higher revenue source of approximately $70,000.

8. Demographic Information:

(District/school/program) Twin Ridges Home Study Charter School has a student population of 146 and is located in Nevada City (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.

Signature of Superintendent or Designee: Donna Fitting, Associate Superintendent – Business
Title: Date: May 11, 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 CCR Section 11704. In a charter school, for the purposes of Education Code section 51745.6, the ratio of average daily attendance for independent study pupils to full-time equivalent (FTE) certificated employees responsible for independent study shall not exceed a pupil-teacher ratio of 25:1 or the ratio of pupils to full-time equivalent certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, as reported at the second principal apportionment in the prior year, in the county or counties in which the charter school operates. Units of average daily attendance for independent study that are ineligible for apportionment as provided in subdivision (b) of Education Code section 51745.6 shall also be ineligible for funding pursuant to Chapter 6 (commencing with section 47630) of Part 26.8 of the Education Code. For purposes of this section, a "full-time certificated employee" means an employee who is required to work a minimum six-hour day and 175 days per fiscal year. Part-time positions shall generate a partial FTE on a proportional basis.

5 CCR Section 11963.4 (a) (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.
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-3
### CALIFORNIA STATE BOARD OF EDUCATION
### SEPTEMBER 2011 AGENDA

**Specific Waiver**

**SUBJECT**
Request by three districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) relating to class size penalties for grades one through three. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: 24-6-2011, 28-6-2011, and 25-5-2011

**RECOMMENDATION**

- Approval
- Approval with conditions
- Denial

The California Department of Education (CDE), recommends approval with the conditions based on the finding below, that the class size penalty in grades one through three will be waived provided that the overall average and maximum class size is not greater than the recommended new figures as shown on Attachment 1. These waivers are good for either two years less one day or one year.

**Finding:** Given the extremely challenging fiscal environment presently facing all California schools and the specific financial circumstances described by the district in its waiver application, the State Board of Education (SBE) finds that the district's 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 district would otherwise incur without the requested waiver. In these circumstances, the SBE finds specifically that the class size penalty provisions of *Education Code (EC)* Section 41376 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the district's application.

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

Since September 2009, the SBE has approved all grades one through three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been approved since 1999.

**SUMMARY OF KEY ISSUES**

*Education Code* Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for grades one through three if the associated statutory class size requirements prevent the school and school district from developing more
SUMMARY OF KEY ISSUES (Cont.)

Effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivision (a), (c), and (d) of EC Section 41376, which provides 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 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 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 the 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 penalty in grades one through three be waived provided the overall average and the maximum class size 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.

**Demographic Information:** See each individual waiver

**Authority for Waiver:** EC Section 41382

**Period of request:** See each individual waiver and Attachment 1

**Local board approval date(s):** See each individual waiver
Position of bargaining unit(s): See Attachment 1 for Certificated Units, others on individual waiver

Bargaining unit(s) consulted on date(s), name of unit: See each individual waiver

Advisory committee(s) consulted, Dates and objections: See each individual 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: Saddleback Valley Unified School District Specific Waiver Request (6 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Sylvan Union Elementary School District Specific Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 4: Whittier City School District Specific Waiver Request (5 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
### Districts Requesting Grade 1-3 Class Size Penalty Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District Name and Location</th>
<th>SBE Streamlined Waiver Policy</th>
<th>Allowable Class Size Average (Current Maximum)</th>
<th>District's Requested Class Size Average</th>
<th>CDE Recommended Class Size Average (New Maximum)</th>
<th>Period of Request</th>
<th>Certificated Bargaining Unit Position/Current Agreement</th>
<th>Estimated Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-6-2011</td>
<td>Saddleback Valley Unified School District</td>
<td>Yes API 859</td>
<td>Overall average 30; no class larger than 32</td>
<td>Overall average 30; no class larger than 33</td>
<td>Overall average 30; no class larger than 33</td>
<td>July 1, 2010 through June 30, 2011</td>
<td>Support</td>
<td>No need to negotiate</td>
<td>$460,619</td>
</tr>
<tr>
<td>28-6-2011</td>
<td>Sylvan Union Elementary School District</td>
<td>Yes API 824</td>
<td>Overall average 30; no class larger than 32</td>
<td>Overall average 30; no class larger than 33</td>
<td>Overall average 30; no class larger than 33</td>
<td>July 1, 2010 through June 30, 2011</td>
<td>Support</td>
<td>No need to negotiate</td>
<td>$213,768</td>
</tr>
<tr>
<td>25-5-2011</td>
<td>Whittier City School District</td>
<td>No API 755</td>
<td>Overall average 30; no class larger than 32</td>
<td>Overall average 33; no class larger than 35</td>
<td>Overall average 33; no class larger than 35</td>
<td>July 1, 2011 through June 29, 2013</td>
<td>Neutral</td>
<td>Need to negotiate</td>
<td>$425,000</td>
</tr>
</tbody>
</table>

Prepared by the California Department of Education
Revised on August 22, 2011
CALIFORNIA DEPARTMENT OF EDUCATION  
SPECIFIC WAIVER REQUEST  
(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>CD CODE</th>
<th>3</th>
<th>0</th>
<th>7</th>
<th>3</th>
<th>6</th>
<th>3</th>
<th>5</th>
</tr>
</thead>
</table>

<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>Saddleback Valley Unified School District</td>
<td>Margaret Lewis, Asst. Supt., Personnel Services</td>
<td><a href="mailto:Margaret.Lewis@svusd.org">Margaret.Lewis@svusd.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>(City)</th>
<th>(State)</th>
<th>(ZIP)</th>
<th>Phone (and extension, if necessary):</th>
<th>Fax number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>25631 Peter A. Hartman Way</td>
<td>Mission Viejo</td>
<td>CA</td>
<td>92691</td>
<td>(949)580-3217</td>
<td>(949)586-4378</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Period of request: (month/day/year)</th>
<th>Local board approval date: (Required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/1/2010 - 6/30/2011 per ECC 7/21/11</td>
<td>June 14, 2011</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Authority for the waiver:  _EC 41382_ _ Specific code section: EC 41376(a),(c), &amp; (d) Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive. 41382. See Attachment 1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number)</th>
<th>Circle One: EC or CCR</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC 41382</td>
<td></td>
</tr>
</tbody>
</table>

Brief Description of the topic of the waiver:  **Waive Class Size Maximum for third grade combination classes (specifically ¾ combination) from 32 students to maximum of 33 students**

| 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 approved by the local board and submitted two months before the active waiver expires. |
|---------------------------------|-----------------|

<table>
<thead>
<tr>
<th>4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the district have any employee bargaining units? __ No <em>X</em> Yes If yes, please complete required information below:</td>
</tr>
<tr>
<td>Bargaining unit(s) consulted on date(s): June 2, 2011</td>
</tr>
<tr>
<td>Name of bargaining units and representative(s) consulted: Saddleback Valley Educator’s Association - Patty Stewart, Contract Manager /Charlotte Hansen, Acting President kak 6/29/2011</td>
</tr>
<tr>
<td>The position(s) of the bargaining unit(s): ___ Neutral <em>X</em> Support ___ Oppose (Please specify why)</td>
</tr>
<tr>
<td>Comments (if appropriate):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>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: June 2, 2011</td>
</tr>
<tr>
<td><em>X</em> Approve ___ Neutral ___ Oppose</td>
</tr>
<tr>
<td>Were there any objection? Yes ___ No <em>X</em> (If there were objections please specify)</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 (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

   Attachment 1

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.)

   Attachment 1

8. Demographic Information:

   (District/school/program) Saddleback Valley Unified School District has a student population of _32,260__ and is located in Orange 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.*

| Signature of Superintendent or Designee: | Title: Superintendent | Date: June 15, 2011 |
| Signature of SELPA Director (only if a Special Education Waiver) |  |

**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: |
4. Authority for the waiver: \_EC 41382\_  Specific code section: EC 41376(a),(c), & (d)

Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

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. 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 school day. 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 school day.

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.
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.)

Saddleback Valley Unified School District (SVUSD) is seeking to temporarily increase the maximum class size in third grade combination classes (specifically 3/4 combination classes) in order to reduce expenditures. More specifically, this waiver is being requested as a result of one of the classes in our District (a 3/4 combination class) inadvertently having 33 students. While this class of 33 did not violate the class size provisions of our Saddleback Valley Educator’s Association (bargaining union) contract, it exceeded the State maximum for grades 1-3 by one student.

The District believes this waiver is necessary to facilitate local agency operations due to fiscal challenges faced by school districts across the state. SVUSD has faced enormous fiscal challenges since 2007. SVUSD has made $58 million in expenditures and program cuts during the last three years. For 2010-2011, the District cut $32.1 million in programs, class size, and employee compensation. In addition, the District has declined in enrollment 1,200 students from 2007-2010.

Increasing the class size from a maximum of 32 to a maximum of 33 in 3/4 combination classes for the 2010-2011 school year still would maintain the 1-3 grade class size average below the State required average of 30 students, and would save the District $460,619 money in penalty for the one class over the maximum class size by one student. To avoid this penalty for exceeding the state requirements, SVUSD would require a waiver of Education Code Section 41376 (a), (c) & (d).

SVUSD has a long history of academic excellence. The District has 13 National Blue Ribbon Schools and 30 State Distinguished Schools. The academic program in place will assist the District in continued achievement and successes as evidenced in the District API score of 859. In addition, 97% of our traditional schools have an API over 800. The District’s API scores have shown a steady increase for the past eight years as the District continually updates the curriculum, refines teaching strategies, provides professional development and strengthens intervention programs.

In summary, we believe that the District’s continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be comprised by the current penalty the District will incur without the requested waiver. The loss of revenue resulting from the penalty, in the event the waiver is not granted, will require the District to reduce our already meager instructional budget, likely resulting in fewer elementary literacy coaches being retained for 2011-2012.
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-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:
Sylvan Union School District

Contact name and Title:
Randy Klinkefus
Director of Student Support Services

Contact person’s e-mail address:
rklinkefus@sylvan.k12.ca.us

Address:                                           (City) (State)                        (ZIP)
605 Sylvan Avenue                        Modesto                             CA                    95355

Period of request: (month/day/year) Local board approval date: (Required)
7-1-2010                6-30-2011                June 14, 2011
From: 7-6-2010           To:  6-17-2011               per ECC 7-21-2011

LEGAL CRITERIA

1. Authority for the waiver: _Education Code__ Specific code section: _41382__
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

   **41382.** The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. **Education Code or California Code of Regulations or portion to be waived.**
   Section to be waived: (number)  41376  Circle One: **EC or CCR**
   Brief Description of the topic of the waiver: Exceeding 32 students in two Grade 3 classes.
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? __ No _X_ Yes If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s): May 31, 2011
   Name of bargaining units and representative(s) consulted:
   - Sylvan Educators Association—Chris Aguilar, President
   The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (Please specify why)
   Name of bargaining units and representative(s) consulted:
   - Classified School Employees Association #73—Isla Wiechmann, President
   The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (Please specify why)

5. Advisory committee or school site council that reviewed the waiver. Mary Ann Sanders Elementary 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: June 9, 2011
   _X_ Approve ___ Neutral ___ Oppose
   Were there any objections? 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. 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.)

This waiver seeks to waive the financial penalty for exceeding 32 students in two Grade 3 classrooms. The classes in question were at one school and over 32 students were assigned to the classes to avoid disruption to families and with the belief that students would have moved prior to school beginning or early in the school year and would lower the actual class size below 32. With the mobility rate in the district this movement would have been expected; in these two classes, the movement out of the school did not take place. The district average did not exceed 32 and a plan is being implemented to overflow students from a school if a class size is to exceed 32 to avoid this situation in the future. If imposed, this financial penalty will compromise the district’s continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics. If not waived, the financial penalties will prevent our district from developing more effective educational programs to improve instruction in reading and mathematics in these classes.

8. Demographic Information:
   District has a student population of __8137__ and is located in a suburban area in Stanislaus County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No</th>
<th>X</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
<td>In completing the “Report of Attendance for Regular Day Classes and Enrollment for Kindergarten and Elementary Grades” report for P2, we confirmed we had two classes exceeding the class size of 32 in Grades 1-3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
<th>X</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of CPM finding)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District or County Certification – I hereby certify that the information provided on this application is correct and complete.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of Superintendent or Designee:</td>
</tr>
<tr>
<td>Signature of SELPA Director (only if a Special Education Waiver)</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>
<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>
**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:    |  |

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:**

<table>
<thead>
<tr>
<th>Whittier City School District</th>
</tr>
</thead>
</table>

**Contact name and Title:**

| Jon E. McNeil |
| Assistant Superintendent Business Services |

**Contact person’s e-mail address:**

| jmcneil@whittiercity.k12.ca.us |

**Address:**

| 7211 S. Whittier Avenue |
| Whittier |
| CA |
| 90602 |

**Phone (and extension, if necessary):**

| 562 789-3073 |

**Fax number:**

| 562 907-9425 |

**Period of request: (month/day/year)**

| From: 7/1/11  | To: 6/29/13 |

**Local board approval date: (Required)**

| 4/12/11 |

---

**LEGAL CRITERIA**

1. **Authority for the waiver:** Education Code Section 41382___ 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. **See Attachment #1 for E.C. 41382.**

2. **Education Code or California Code of Regulations or portion to be waived.**

   Section to be waived: (number) 41376(a), (c), and (d)  
   Circle One: **EC** or **CCR**

   Brief Description of the topic of the waiver: **That the class size penalty for grades 1-3, inclusive will be waived provided the district class size average will not be greater than 33:1, and no individual class will exceed 35 students**

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 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):  **5/2/11**

   Name of bargaining units and representative(s) consulted: **Whittier Elementary Teachers Association (WETA)**  
   Patty Britton, President  
   kak 5/24/2011

   The position(s) of the bargaining unit(s):  **X** Neutral  ___ Support  ____ Oppose (Please specify why)

   Comments (if appropriate):
5. Advisory committee or school site council that reviewed the waiver. Name:
Andrews Elementary – March 30, 2011
Hoover Elementary – April 4, 2011
Jackson Elementary – March 24, 2011
Longfellow Elementary – April 6, 2011
Mill Elementary – April 5, 2011
Orange Grove Elementary – March 31, 2011
Phelan Elementary – March 30, 2011
Sorensen Elementary – March 24, 2011
West Whittier Elementary – March 31, 2011

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.

 ___ Approve ___ Neutral ___ Oppose

Were there any objection? Yes No (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 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 thirty two 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.)

Due to the current situation with the State budget, our District needs to conserve our resources by cutting back on personnel expenses. The District implemented a salary rollback for all employees in 2009-10 and 2010-11 which continues through 2011-12. There will likely be another rollback for salary and this waiver will be needed to balance the District’s budget. Whittier City School District has already made significant budget reductions since 2005-06 and is projecting additional reductions in the out-years. From 2005-06 to 2008-09, the District implemented over $1.6 million in reductions and in 2009-10, made over $300,000 in reductions. Based on budget assumptions, the District expects to implement over $1.1 million in reductions in 2011-12.

8. Demographic Information:

Whittier City School District has a student population of 6,464 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) 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:

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:
WHITTIER CITY SCHOOL DISTRICT

SPECIFIC WAIVER REQUEST
ADDITIONAL INFORMATION

#1 Attachment – Authority for Waiver

41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.
Whittier City School District had to request a waver for the Class Size Penalty for the 2009 - 2011 school year as a result of violating the maximum ratios in grades 1-3. The penalty was $180,000 and the District was qualified at the time of the First and Second Interim Reports that year. The dire financial situation required drastic action including cutting District Cabinet positions, classified and certificated jobs. The Waver allowed the District to stay in their home schools rather than transferring to another school because we had to balance the classes to prevent receiving a penalty by going over the limit.

In 2010 – 2011 we did not have any classes that were above the State Class Size Penalty. There were many that were at the maximum number of students for a teacher without going over and having to use the State waver. We think that in 2011 – 2012 school year we will need the waver to maintain all of our funding. By receiving all of our funding we will b able to continue to implement our high quality instructional program in math and language arts by using tutors, aides and current textbooks in the classroom. The larger class size has not impacted our academic performance and our schools continue to improve.
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

☐ General Waiver

SUBJECT
Request by five 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 1 or the district’s 1964 average.

Waiver Numbers: 2-6-2011, 46-6-2011, 45-6-2011, 31-6-2011, and 47-6-2011

Action

☐ Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: 1) the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district; 2) 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.

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 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 the 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 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.”

Demographic Information: See each individual waiver

Authority for Waiver: EC Section 33050

Period of request: See Attachment 1 for period of request

Local board approval date(s): See each individual waiver

Public hearing held on date(s): See each individual waiver
Position of bargaining unit(s): See Attachment 1 for Certificated Units, others on each individual waiver.

Bargaining unit(s) consulted on date(s), name of unit: See each individual waiver

Advisory committee(s) consulted, Dates and objections: See each individual waiver

Public hearing advertised by (choose one or more): See each individual 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: Banning Unified School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Center Joint Unified School District General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 4: Inglewood Unified School District General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 5: Panama-Buena Vista Union School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 6: Solvang Elementary School District General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
## Districts Requesting Grades 4-8 Class Size Penalty Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>SBE Streamlined Waiver Policy</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>Period of Request</th>
<th>Certificated Bargaining Unit Position/Current Agreement</th>
<th>Estimated Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
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</thead>
<tbody>
<tr>
<td>2-6-2011</td>
<td>Banning Unified School District</td>
<td>No API 702</td>
<td>29.9</td>
<td>34</td>
<td>34</td>
<td>July 1, 2011 to June 30, 2012</td>
<td>Oppose May Need to Negotiate</td>
<td>$1,693,324</td>
<td>Qualified</td>
</tr>
<tr>
<td>46-6-2011</td>
<td>Center Joint Unified School District</td>
<td>NO API 786</td>
<td>29.9</td>
<td>34</td>
<td>34</td>
<td>July 1, 2011 to June 30, 2012</td>
<td>Oppose No Need to Negotiate</td>
<td>$1,326,730</td>
<td>Qualified</td>
</tr>
<tr>
<td>45-6-2011</td>
<td>Inglewood Unified School District</td>
<td>NO API 711</td>
<td>31.5</td>
<td>38</td>
<td>38</td>
<td>July 1, 2011 to June 29, 2012</td>
<td>Oppose Need to Negotiate</td>
<td>$5,256,214</td>
<td>Negative</td>
</tr>
<tr>
<td>31-6-2011</td>
<td>Panama-Buena Vista Union School District</td>
<td>NO API 790</td>
<td>29.9</td>
<td>31.9</td>
<td>31.9</td>
<td>July 1, 2011 to June 29, 2013</td>
<td>Neutral Need to Negotiate</td>
<td>$3,597,235</td>
<td>Qualified</td>
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<tr>
<td>47-6-2011</td>
<td>Solvang Elementary School District</td>
<td>YES API 841</td>
<td>29.9</td>
<td>35</td>
<td>35</td>
<td>July 1, 2011 to June 29, 2013</td>
<td>Neutral No Need to Negotiate</td>
<td>$185,540</td>
<td>Positive</td>
</tr>
</tbody>
</table>

Prepared by the California Department of Education
Revised on August 22, 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: Banning Unified School District

Contact name and Title: Gordon Fisher, Assistant Superintendent

Contact person’s e-mail address: gfisher@banning.k12.ca.us

Address: 161 West Williams Street  
Banning  
CA  
92220

Phone (and extension, if necessary): (951) 922-0207
Fax Number: (951) 922-0298

Period of request: From: July 1, 2011  
To: June 30, 2012

Local board approval date: 5/19/11
Date of public hearing: 5/19/11

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):  EC 41376 (b) and (e) Circle One: EC or CCR

Topic of the waiver: Class Size Penalty Grades 4-8.

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): 5/11/11

Name of bargaining unit and representative(s) consulted: Banning Teachers Association, Yvonne Lanthripp, President

The position(s) of the bargaining unit(s): Neutral X Support Oppose (Please specify why)

Comments (if appropriate): BTA opposes increasing the class size because small class sizes are a critical factor in student achievement.

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 – District English Language Acquisition Committee  
Date the committee/council reviewed the waiver request: 6/15/2011

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 the attached EC 41367 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 thirty-six (36) thirty four (34) (per GF @ district) per FTE in grades 4-8, inclusive. The reason for this waiver is the budget restraints 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. However, with the new budget forecasts, there is a likelihood that the number of FTE’s will have to be reduced, which will force a greater number of students per FTE.

8. Demographic Information:  
   (District/school/program)___ has a student population of 4,433 and is located in a ___small city (urban, rural, or small city etc.)__ in Riverside 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: __________
6. 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.
6. Continued

(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/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>CD CODE</th>
</tr>
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<tbody>
<tr>
<td>3 4 7 3 9 7 3</td>
</tr>
</tbody>
</table>

Local educational agency:  
Center Joint Unified School District

Contact name and Title:  
George Tigner 
Chief Administrative Officer

Contact person’s e-mail address:  
gtigner@centerusd.org

Address:  
8408 Watt Avenue, Antelope CA 95843

Phone (and extension, if necessary):  
(916) 338-6413

Fax Number:  
(916) 338-6322

Period of request: (month/day/year)  
From: 08/01/2011  To: 05/31/2012

Local board approval date: (Required)  
May 18, 2011

Date of public hearing: (Required)  
May 18, 2011

ECC 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):  
41376  
Circle One:  (EC) or CCR

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 17, 2011

Name of bargaining unit and representative(s) consulted:  
Center Unified Teachers Association, Heather Woods , President  
kak 7/6/11  per G. Tigner

The position(s) of the bargaining unit(s):  
Neutral  Support  _X_ Oppose (Please specify why)

Comments (if appropriate):  
Union, while understanding financial situation of the district, supports smaller class sizes at all

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:

Parent-Teacher Councils at all elementaries (Dudley, North Country, Oak Hill, Spinelli) in the district.

Date the committee/council reviewed the waiver request: April 11, April 12, April 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 41376 (b) and (e) (Text 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.

   The Center Joint Unified School District has presented a "qualified" budget to Sacramento County, the result of declining enrollment and decreased state revenues. The best-case scenario for CJUSD for school year 2011-2012 shows a budget shortfall of $2.9 million. Even after concessions from both certificated and classified employee groups (in the form of furlough days) and the reduction of the school year by 5 days, the District will suffer financial hardship unless this waiver is granted. The District intends to continue to provide high-quality instruction in the core areas to students at all grade levels, but the financial penalty incurred if a waiver is not granted may preclude the District from doing so. The District's Collective Bargaining Agreement article on Class Size, which has been waived by the union, limits class size in Grades 4-5 to 32 and Grades 6--8 to 34.

8. Demographic Information:
   Center Joint Unified School District has a student population of **4793** and is located in an urban area in Sacramento County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

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<thead>
<tr>
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(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

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(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: Chief Administrative Officer | Date: June 27, 2011 |

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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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

### Local educational agency:

<table>
<thead>
<tr>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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</thead>
<tbody>
<tr>
<td>Monalisa Hasson, Ed.D.</td>
<td><a href="mailto:mhasson@inglewood.k12.ca.us">mhasson@inglewood.k12.ca.us</a></td>
</tr>
</tbody>
</table>

### Address:

| 401 S. Inglewood Avenue | Inglewood | CA | 90301 |

### Period of request:

<table>
<thead>
<tr>
<th>From: 7/1/2011</th>
<th>To: 6/29/2012</th>
<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (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): 41376 (b) (e)  
   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:

   **Union #1 – Teachers Union**
   
   Bargaining unit(s) consulted on date(s): June 2, 2011  
   Name of bargaining unit and representative(s) consulted: Inglewood Teachers’ Association (ITA)  
   President: Peter Somberg

   The position(s) of the bargaining unit(s): Neutral X Support Oppose (Please specify why)

   The ITA President made the following statement, “ITA opposes the waiver of class size maximums in grades 4-8. We too have concerns about increased class sizes having a detrimental effect on student achievement. We further see limitations in the ability to practice differentiated instruction when classes reach these proposed numbers.”

   As per the existing Collective Bargaining Agreement with Inglewood Teacher Association, the class size maximum is as follows:  
   - K-3: 32
   - 4-6: 33
   - 7-12: 34

   **Union #2 – Classified Employees Union**
   
   Bargaining unit(s) consulted on date(s): June 3, 2011

   Name of bargaining unit and representative(s) consulted: Painters and Allied Trades District on behalf of Cal Pro

   Business Representative: Chris Graeber

   The position(s) of the bargaining unit(s): Neutral Support Oppose (Please specify why)

4. Public hearing requirement:  
   How was the required public hearing advertised?

   X Notice in a newspaper X Notice posted at each school X Other:

   A notice was posted at all district locations as well as on the district website.  
   A Connect-ED message which sends a telephonic recorded message to every household in the District and to every employee was also used as a means to inform all stakeholders of the public hearing.
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

A District advisory committee comprised of school site council members, as well as other stakeholders, was held to provide an opportunity for the review of the waiver request and to seek input.

Date the committee/council reviewed the waiver request: June 2, 2011

Were there any objection(s)? No ___ Yes _X__ (If there were objections please specify)

Parents expressed concerns in regards to possible lower student achievement as a result of the proposed increased class size. Parents were not confident in the ability to meet the diverse learning needs of the students with more students in each classroom. There was an additional recommendation made by a parent to establish a new grading

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).

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) Determining 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. 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.

Inglewood Unified School District is facing severe budget challenges as it continues to serve its students with significantly reduced revenue. The fiscal experts and the FCMAT team assigned to the District forecast a deficit of over $32 million for the 2011-12 school year. The District has exhausted all reduction options available including reductions in the workforce, waivers on State funding deferrals, implementation of a furlough program, and reductions in ongoing expenditures in all areas to reduce this deficit.

Over 85% of the District’s budget is comprised of salary and benefits. If the waiver on the class size penalty is approved, the District will be able to reduce staffing expenditures which will move the District toward its goal of fiscal solvency while maintaining its instructional programs.

Inglewood Unified has exhausted all reduction options available and increasing class size is one of the remaining options it has to reduce expenditures and retain its programs. The proposed increase in class size will result in a savings of approximately $10,824,440.00 in salaries and benefits.

If the waiver is not approved, a significant penalty based on California Education Code section 41378 in an approximate amount of $5.2 million will be imposed.
8. Demographic Information:
Inglewood Unified School District has a student population of 12,410 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 X Yes □ |
| Has there been a Categorical Program Monitoring (CPM) finding on this issue? | No X Yes □ |

(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. |
|---|---|---|
| Signature On Original | Title: Assistant Superintendent, Human Resources | Date: June 3, 2011 |
| Monalisa Hasson, Ed.D |  |  |

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

Local educational agency:
Panama-Buena Vista Union School District

Contact name and Title:
Michael L. Brouse, Assistant Supt., of Business Services

Contact person’s e-mail address:
mbrouse@pbvusd.net

Address:                                         (City)     (State)                        (ZIP)
4200 Ashe Road                        Bakersfield                    CA                          93313

Phone (and extension, if necessary):  661-831-8331, ext. 6111
Fax Number:   661-398-2141

Period of request: (month/day/year)  7/1/11                       6/29/13
From:   8/23/11             To:  6/3/13

Local board approval date: (Required)  June 14, 2011

Date of public hearing: (Required)  June 14, 2011

ECC 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):     41376(b) & (e)               Circle One: EC or CCR

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  N/A   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:
   Classified School Employees Association; Panama-Buena Vista Teachers Association
   Bargaining unit(s) consulted on date(s):   CSEA- 2/23/11; PBVTA- 2/10/11; Teamsters Local 87- 3/29/11         kak 6/23/11
   Chapter President:                       Representative:        Trustee
   Vicki Billington-CSEA; Chris Coyle-PBVTA; Lillian Abarquez-Teamsters Local 87
   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:
   District English Learner Advisory Committee
   Date the committee/council reviewed the waiver request: March 17, 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.

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: Panama-Buena Vista Union School District has a student population of 16,966 and is located in an urban area in Kern 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: Assistant Supt., Business Services Date: June 15, 2011

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The district requests a waiver of subdivisions (b) and (e) of EC Section 41376, which if not granted will result in a class size penalty for grades four through eight, reducing the district’s 2011-12 and 2012-13 revenue limit funding if the district’s average class size exceeds 29.9. This particular statute regarding class size limits was written in 1964, and given the current fiscal environment in school districts statewide, consideration of waivers is warranted. 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. In 1964, Panama-Buena Vista Union School District’s class size average was 28.2 pupils.

In an effort to resolve deficit spending of more than $31 million over the next two years, Panama-Buena Vista USD is seeking to temporarily increase class sizes in grades four through eight to reduce expenditures. For the 2009-10 second reporting period, the district qualified its financials. Based upon current projections, Panama-Buena Vista USD will not meet its financial obligations for fiscal years 2012-13 and ongoing.

If the district implements the class size increase at the requested level without a waiver, the penalty for 2011-12 and 2012-13 is estimated at approximately $3 million ($1.5 million each year), based on the 2009-10 Second Principal Apportionment data.
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
Waiver Office, California Department of Education and back-up material to: waiver@cde.ca.gov
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE

4 2 6 9 3 3 6

Local educational agency: Contact name and Title: Contact person’s e-mail address:
Solvang Elementary School District Meg Perry, Business Manager megperry@sbceo.org
Address: (City) (State) (ZIP)
565 Atterdag Road Solvang CA 936463
Period of request: (month/day/year) Local board approval date: (Required)
From: 07/01/2010 Local board approval date: (Required)
To: 06/30/2013 Date of public hearing: (Required)
05.10.11 05.10.11

ECC 7/20/11 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): 41376 (b) and (e) Circle One: [EC] or [CCR]

Topic of the waiver: Class Size Standards, Grades 4 – 8.

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. N/A

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): 02.11.10

Name of bargaining unit and representative(s) consulted: Solvang Federation of Teachers, Anna Petronakis, Co-President: Allison Acosta, Secretary.

The position(s) of the bargaining unit(s): [X] Neutral [ ] Support [ ] Oppose (Please specify why)

Comments (if appropriate): Philosophically not in favor of increased class size, current budget constraints force agreement.

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)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Solvang School District School Site Council reviewed this waiver.

Date(s) the committee/council(s) reviewed the waiver request. 11/17/2010 and on 01/19/2011

Were there any objection(s)? No [X] Yes ___ (If there were objections please specify)
The School Site Council was initially only willing to approve the waiver for one year and had requested to revisit the situation the following year. Philosophically, the group does not believe larger class sizes are the best learning environment; however they were well informed of the budget constraints the school is operating under. On 01/19/2011 the Site Council revisited the term of the waiver and approved a (3) year request. There is a concern that there may be an increased need for remedial services and that test scores could be impacted. The district has provided temporary Intensive Remediation Specialists to help support educational needs in a wider scope. In summary, though the site council understands the reason for the waiver request, all are sensitive to the fact that class size increases at any level create additional challenges to student learning and success.
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).

**Ed Code 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.

4. 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 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. 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.

**Education Code** states that class size averages in grades 4-8 cannot exceed either 29.9 or the class size average of the district in 1964. In the Solvang Elementary School District, the average class size is currently 25.4 based on an average between grades 4th – 8th; however individual class sizes have reached 34:1 and not in grade levels that will allow a combination class. With current state and federal budgetary constraints, the district is facing huge deficits. Though we have implemented numerous reductions to offset these deficits, we have had to reduce personnel costs to remain solvent. As a district with a single K-8 school site the district must adhere to credential specific personnel criteria in grades 7th – 8th.

Education Code restrictions on class size in grades K-8 limit our options to raising class size averages to an estimated 35:1 in grades 4-8. We are requesting a waiver of Education Code 41376(b) penalties to allow for an average class size in grades 4-8 from our current limit of 29.9:1 to 35:1. This waiver will allow us to distribute necessary reductions over a greater number of grade levels, thus allowing focus on meeting grade level standards. Absent this waiver, the school faces elimination of vital programs focused on addressing specific remedial intervention. We feel it is in the best interest of all district students to have greater flexibility in grades 4-8 as we work to remain fiscally solvent while providing a quality educational program for our students.

8. Demographic Information:
Solvang Elementary School District has a student population of 589 and is located in the city of Solvang, Santa Barbara Cnty.

**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>
<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>
ITEM W-5
Specific Waiver

SUBJECT
Request by seven districts, under the authority of California Education Code Section 41382, to waive portions of Education Code sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to 1 with no class larger than 33. For grades one through three, the overall class size average is 30 to 1 with no class larger than 32.

Waiver Numbers: 1-6-2011, 22-6-2011, 43-6-2011, 28-5-2011, 37-6-2011, 11-6-2011, and 30-6-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE), recommends approval with conditions based on the finding below, 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 the district in its waiver application, the State Board of Education (SBE) finds that the district's 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 district 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 41378 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the district's application.

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 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 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 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 the 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.
Demographic Information: See each individual waiver

Authority for Waiver: EC Section 41382

Period of request: See each individual waiver and Attachment 1

Local board approval date(s): See each individual waiver

Position of bargaining unit(s): See Attachment 1 for Certificated Units, others on each individual waiver

Bargaining unit(s) consulted on date(s), name of unit: See each individual waiver

Advisory committee(s) consulted, Dates and objections: See each individual 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: Barstow Unified 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: Bear Valley Unified School District Specific Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 4: Center Joint Unified School District Specific Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 5: Etiwanda Elementary School District Specific Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 6: Huntington Beach City Elementary School District Specific Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
Attachment 7: Manteca Unified School District Specific Waiver Request (4 pages)  
(Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 8: Panama-Buena Vista Union School District Specific Waiver Request (7 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

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>SBE Streamlined Waiver Policy</th>
<th>Allowable Class Size Average (Current Maximum)</th>
<th>District's Requested Class Size Average</th>
<th>CDE Recommended Class Size Average (New Maximum)</th>
<th>Period of Request</th>
<th>Certificated Bargaining Unit Position/Current Agreement</th>
<th>Estimated Annual Penalty Without Waiver</th>
<th>Fiscal Status</th>
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</thead>
<tbody>
<tr>
<td>1-6-2011</td>
<td>Barstow Unified School District</td>
<td>NO API 735</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>For 2010-11: Overall average 31; No class larger than 35. For 2011-12: Overall average 33; no class larger than 35</td>
<td>For 2010-11: Overall average 31; No class larger than 35. For 2011-12: Overall average 33; no class larger than 35</td>
<td>July 1, 2010 through June 29, 2012</td>
<td>Support</td>
<td>2010-11 $110,018</td>
<td>Positive</td>
</tr>
<tr>
<td>22-6-2011</td>
<td>Bear Valley Unified School District</td>
<td>NO API 791</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>Overall average 33; no class size larger than 34</td>
<td>Overall average 33; no class size larger than 34</td>
<td>July 1, 2010 through June 29, 2012</td>
<td>Neutral</td>
<td>2010-11 $108,167</td>
<td>Positive</td>
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<tr>
<td>43-6-2011</td>
<td>Center Joint Unified School District</td>
<td>NO API 786</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>Overall average 34; no class size larger than 34</td>
<td>Overall average 34; no class size larger than 34</td>
<td>July 1, 2011 through June 29, 2012</td>
<td>Oppose</td>
<td>No need to negotiate</td>
<td>$606,704</td>
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<tr>
<td>26-5-2011</td>
<td>Etiwanda Elementary School District</td>
<td>YES API 872</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>Overall average 32; no class size larger than 33</td>
<td>Overall average 32; no class size larger than 33</td>
<td>July 1, 2010 through June 29, 2012</td>
<td>Support</td>
<td>$286,055</td>
<td>Positive</td>
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<tr>
<td>37-6-2011</td>
<td>Huntington Beach City Elementary School District</td>
<td>YES API 889</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>Overall average 32; no class size larger than 33</td>
<td>Overall average 32; no class size larger than 33</td>
<td>July 1, 2010 through June 29, 2012</td>
<td>Support</td>
<td>$364,545</td>
<td>Positive</td>
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<tr>
<td>11-6-2011</td>
<td>Manteca Unified School District</td>
<td>NO API 750</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>Kindergarten: Overall and no class size larger than 33. Grades 1-3: Overall average and no class larger than 32</td>
<td>Kindergarten: Overall and no class size larger than 33. Grades 1-3: Overall average and no class larger than 32</td>
<td>July 1, 2011 through June 29, 2013</td>
<td>Support</td>
<td>$1.3 million</td>
<td>Positive</td>
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<td>30-6-2011</td>
<td>Panama-Buena Vista Union School District</td>
<td>NO API 790</td>
<td>Kindergarten: Overall average 31; no class larger than 33; Grades 1-3: Overall average 30; no class larger than 32</td>
<td>For 2010-11: Overall average 31; no class larger than 33. For 2011-12: Overall average 33; no class larger than 38</td>
<td>For 2010-11: Overall average 31; no class larger than 33. For 2011-12: Overall average 33; no class larger than 38</td>
<td>July 1, 2010 through June 29, 2012</td>
<td>Neutral</td>
<td>2010-11 $670,461</td>
<td>Qualified</td>
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</table>
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC 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:
Barstow Unified School District

Contact name and Title:
Tony Wardell, Assistant Superintendent Business Services

Address: 551 South Avenue H
City: Barstow
State: CA
Zip: 92311

Phone (and extension, if necessary): 760-255-6009
Fax number: 760-255-8965

Local board approval date: May 24, 2011

LEGAL CRITERIA

1. Authority for the waiver:  X  Specific code section: _EC41382
   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 provision: Application to State Board of Education

   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: Waiver of class size penalties for grades K-3. Under the provisions of Ed. Code sections 41376 (a), (c) and (d) and 41378 (a) through (e) to avoid class size penalties.

2. 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.

3. 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):  May 12, 2011    May 16, 2011

   Name of bargaining units and representative(s) consulted: Barstow Education Association –Candice Michelson, President,  California School Employees Association, Dianne Patty, 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)

4. Advisory committee or school site council that reviewed the waiver. Name: Parent 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:  May 3, 2011

   X  Approve   ___ Neutral   ___ Oppose

   Were there any objection? Yes ___ No  X  (If there were objections please specify)
5. 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 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 per each full-time equivalent classroom teacher, which existed in the classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for the current fiscal year exceeds the greater of 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.

(b) 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 per each full-time equivalent classroom teacher, which existed in the classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for the current fiscal year exceeds the greater of 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. (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. (4) He shall compute the product obtained by multiplying the excess number of pupils, 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. (4) 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 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.

6. 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 District is seeking to temporarily increase class size in grade K-3 in order to reduce expenditures. The District faces severe fiscal challenges from a decade of declining enrollment: a lower than average revenue limit and persistent State funding reductions. The District is requesting that Ed Code Section 41376 (A)(C) and (d) and Ed code Section 41378 and the associated penalties be waived in order to increase class size until additional revenues are available. The waiver would end on June 29, 2012 unless otherwise extended.

7. Demographic Information:
   Barstow Unified School District has a student population of 6,373 and is located in a urban area in San Bernardino County.
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<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Is this waiver associated with an apportionment related audit penalty?</td>
<td>X</td>
<td>N</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 issue?</td>
<td>X</td>
<td>N</td>
</tr>
<tr>
<td>(If yes, please attach explanation or copy of CPM finding)</td>
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</table>

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

<table>
<thead>
<tr>
<th>Information Provided</th>
<th>Signature</th>
<th>Title</th>
<th>Date</th>
</tr>
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<tr>
<td>Signature of Superintendent or Designee:</td>
<td></td>
<td>Assistant Superintendent – Business Services</td>
<td>May 25, 2011</td>
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<tr>
<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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</tr>
<tr>
<td>Unit Manager (type or print):</td>
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<td></td>
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<tr>
<td>Division Director (type or print):</td>
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<td></td>
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<tr>
<td>Deputy (type or print):</td>
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</tbody>
</table>
Specific Waiver Request

Barstow Unified School District

Please submit the following with Barstow Unified School District Specific Waiver Request Section 7:

The penalties would cost the District an estimated $105,097.70 annually. This additional loss of revenue would result in a further decline to our classrooms resulting in reductions that reach to the core academic programs such as reading, mathematics and science. The Barstow Unified School Districts goal is to continue our academic improvements and provide our student with a quality education in the midst of this fiscal crisis. It is our hope that further reductions through penalties will not occur and our waiver will be fully considered by this Board.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

First Time Waiver: _X_

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

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

CD CODE

| 3 | 6 | 6 | 7 | 6 | 3 | 7 |

Local educational agency: Bear Valley Unified School District

Contact name and Title: Tim Larson

Contact person’s e-mail address: tim_larson@bearvalleyusd.org

Address: 42271 Moonridge Road  Big Bear Lake  CA  92315

Phone (and extension, if necessary): (909) 866-4631

Fax number: (909) 866-2040

Period of request: (month/day/year)

From: 7/1/2010 To: 6/30/2012

Local board approval date: June 16, 2011

LEGAL CRITERIA

1. Authority for the waiver: EC 41382 Specific code section: EC 41376 (a) (c) and (d); EC 41378 (a) (b) (c) (d) (e).

   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

   Ed. Code 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. Education Code or California Code of Regulations or portion to be waived. Circle One: EC or CCR

   Brief Description of the topic of the waiver: To waive class size penalty for Kindergarten, EC 41378

   To waive the class size penalty for grades 1-3, EC 41376

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 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): June 8, 2011

   Name of bargaining units and representative(s) consulted: Bear Valley Education Association - President Scott Hird, Vice President – Debi Burton

   The position(s) of the bargaining unit(s): _XX_ Neutral ___ Support ___ Oppose (Please specify why)

   Comments (if appropriate): Although it is understood this is a necessary fiscal decision, it increases the struggles for teachers and students alike. BVEA anticipates that the district will use this on a limited basis and work with teachers to alleviate this burden when other options are available. There is language in the contract that provides for teacher support when contractual class size limits are exceeded. This request will likely enact that language.
5. Advisory committee or school site council that reviewed the waiver. Name: District Budget 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: June 10, 2011

   ___ Approve  _XX_ Neutral ___ Oppose

   Were there any objections? Yes _XX_ No ___ (If there were objections please specify)

   Though they approved of the waiver for its necessity, the Budget Advisory Committee issued the following statement:
   “We regret having to request such drastic measures to preserve our district’s financial solvency. We believe these
   steps are necessary due to the ongoing budget crisis and political turmoil at the state level.”

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 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.

   EC 41378 (a) (b) (c) (d) (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 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.
7. Desired outcome/rationale. State what you hope to accomplish with the waiver.
The district believes this waiver is necessary to facilitate local agency operations due to fiscal challenges faced by school districts across the state. Without the waiver, Bear Valley Unified School District would be subject to penalties. The possible loss of additional revenue would further reduce funding and would cause additional financial burden. The Bear Valley Unified School District has faced enormous fiscal challenges since 2007. BVUSD has made approximately $2,500,000.00 in expenditure and program reductions during the last three years. For 2010-11, the district cut $410,000.00 in programs, class size, and employee compensation. In addition the district has experienced a decline in enrollment of 232 students from 2007 – 2010. The district projects that enrollment will continue to decline and contribute to an unfavorable budget outlook over the next several years.

Bear Valley Unified is requesting an increase in the average class size to 33 with no class exceeding 34 in grades K-3 for the 2010/11 and 2011/12 school years. This action would have a positive financial impact to our weakening budget and allow us to avoid being penalized for exceeding state requirements. To accomplish this, Bear Valley Unified School District is requesting a waiver of EC 41378 subdivisions (a) through (e), which limits the average class size on a district wide level for Kindergarten to 31 students and individual class size to 33 students. In addition, Bear Valley Unified School District is requesting a waiver of EC 41376 subdivisions (a), (c), and (d), which limits the average class size for grades one through three to 30 students district wide, with an individual class size not to exceed 32 students. This waiver would allow Bear Valley Unified important flexibility and the time over the next fiscal year to reassess its financial position to lower class sizes.

Bear Valley Unified School District has a long history of strong academic achievement. Though small, the district has 4 California Distinguished Schools. Our four elementary schools have an API in excess of 800, while our middle school and high school achieved API scores of 778 and 788 respectively on the most recent CST. Along with our strong API scores no elementary schools in our district have entered into Program Improvement status. The district is committed to continue to work on being a high performing district and expects to have improved student performance in spite of budget difficulties and increased class sizes. Increased class sizes will present a unique set of challenges, but we believe these challenges will be met through continued dedication and hard work focused on providing the best that we are able for our students.

Union contract language does not need to be renegotiated; current contract language allows our district to go up to and beyond the class sizes being requested. The language does provide for accommodations to teachers who are in classrooms that exceed the contractually agreed upon class size.

8. Demographic Information:
(District/school/program) Bear Valley Unified School District has a student population of 2,756 and is located in rural. (urban, rural, or small city etc.). Big Bear Lake 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.

Signature of Superintendent or Designee: Interim 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:
We believe that the District’s continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be compromised by the current and potential penalties the District would otherwise incur without the requested waiver.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-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: Center Joint Unified School District
Contact name and Title: George Tigner, Chief Administrative Officer
Contact person’s e-mail address: gtigner@centerusd.org

Address: 8408 Watt Avenue, Antelope, CA 95843

Period of request: (month/day/year) 7/1/2011 - 6/29/2012
From: 08/01/2011 To: 05/31/2012
Local board approval date: (Required) May 18, 2011

ECC 7/9/11 LEGAL CRITERIA

1. Authority for the waiver: EC 41382

2. Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.

3. Education Code or California Code of Regulations or portion to be waived.
Section to be waived: (number) EC 41376 (a) (c) (d) and EC 41378 Circle One: (EC ) or CCR

Brief Description of the topic of the waiver: Class Size Penalties grades K, 1 -- 3

4. 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.

5. 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): May 17, 2011

Name of bargaining units and representative(s) consulted: Heather Woods, President, Center Unified Teachers Association

The position(s) of the bargaining unit(s): __ Neutral ____ Support _X__ Oppose (Please specify why)

Comments (if appropriate): Union, while understanding financial situation of the district, supports smaller class sizes at all

6. Advisory committee or school site council that reviewed the waiver. Name: Parent Teacher Councils at each elementary school (Dudley, North Country, Oak Hill, Spinelli)

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: April 11, April 12, April 14 (2011)

_X_ Approve ____ Neutral ___ Oppose

Comments (if appropriate):
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-09)

7. 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 41376 (a) (c) (d) attached
EC 41378 attached

8. 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 Center Joint Unified School District has presented a "qualified" budget to Sacramento County, the result of declining enrollment and decreased state revenues. The best-case scenario for CJUSD for school year 2011-2012 shows a budget shortfall of $2.9 million. Even after concessions from both certificated and classified employee groups (in the form of furlough days) and the reduction of the school year by 5 days, the District will suffer financial hardship unless this waiver is granted. The District continues to provide high-quality instruction in the core areas to students at all grade levels, but the financial penalty incurred if a waiver is not granted may preclude the District from doing so. Union has waived CBA class size limit of 32 in grades K -- 3.

9. Demographic Information:
Center Joint Unified School District has a student population of _4793_ and is located in an urban area in Sacramento 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.

Signature of Superintendent or Designee: Title: Date:
Chief Administrative Officer June 27, 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:
7.

41376(a)(c)(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.
    (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.

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.
Center Joint Unified School District Statement related to Specific Waiver request

The Center Joint Unified School District is making a request to temporarily increase class size in grades K -- 3 to an average of 34 students per class, an average that exceeds the Ed Code-mandated limit on class size at those grade levels. If this waiver is not granted, the penalty imposed on the District (an estimated $606,704) would have an extremely negative impact on programs that have already been devastated by a combination of declining enrollment and state budget reductions. The District is already facing a budget shortfall of at least $1.5 million this fiscal year, which has resulted in major adjustments to core educational programs at all grade levels.

While Center Joint Unified has worked hard to provide the essential core academic programs to our students, the imposition of a penalty coupled with the anticipated loss of state revenue would deal a blow to our ability to continue to provide such quality instruction to our students. We continue to take pride in the accomplishments of all of our students, especially in the core areas of mathematics and reading instruction, and would like to continue to offer the quality educational programs our community expects and requires.
## SPECIFIC WAIVER REQUEST

**First Time Waiver:** XX  
**Renewal Waiver:** ____

### CALIFORNIA DEPARTMENT OF EDUCATION

**REF:** Waiver 28-5-2011  
**Attachment 5**  
**Page 1 of 4**

### Local educational agency:

<table>
<thead>
<tr>
<th>Etiwanda Elementary School District</th>
</tr>
</thead>
</table>

### Contact name and Title:

| Doug Claflin, Assistant Superintendent Business Services |

### Contact person’s e-mail address:

| doug_claflin@etiwanda.org |

### Address:

| 6061 East Ave., Etiwanda, CA 91739 |

### Period of request: (month/day/year)

| From: 7/1/2010 To: 6/29/2012 |

### Local board approval date: (Required)

| 5/12/2011 |

### LEGAL CRITERIA

#### 1. Authority for the waiver:

*Education Code* Section citation, which allows you to request, or authorizes the waiver of the specific *Education Code* Section you want to waive.

**EC** Specific code section: **41376 (a), (c) and (d) and 41378 (a) through (e)**

Write the *Education Code* Section citation, which allows you to request, or authorizes the waiver of the specific *Education Code* Section you want to waive.

#### 2. Education Code or California Code of Regulations or portion to be waived.

**Section to be waived:** (number)  
**Circle One:** **EC** or **CCR**

Brief Description of the topic of the waiver: Waiver of the class size penalty for exceeding the following parameters:  
Kindergarten: Average class size not to exceed 31 students; no class larger than 33 students.  
Grades 1-3: Average class size not to exceed 30 students; no class larger than 32 students.

#### 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 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): **April 21, 2011**
- Name of bargaining units and representative(s) consulted: **Etiwanda Teachers Association (ETA), Michele Jacks, ETA 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. Name:  
**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: **June 21, 2011**  
_X_ **Approve** ____ **Neutral** ____ **Oppose**

Were there any objection? **Yes** ____ **No** _X_ (If there were objections please specify)

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CALIFORNIA DEPARTMENT OF EDUCATION
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 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.

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.

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 district requests a waiver to increase the average and maximum class sizes per: EC 41376(a), (c) and (d) and 41378 (a) through (e) to the following:

- **Kindergarten:** Average class size not to exceed 32 students; no class larger than 33 students.
- **Grades 1-3:** Average class size not to exceed 32 students; no class larger than 33 students.

With the current average and maximum class size per FTE in grades K-3, the district must sometimes move students to another class, hire new teachers late in the academic year or create combination classes to ensure the average and maximum size is not exceeded. This is not in the best interest of the student, staff, nor the integrity of the instructional program and is not fiscally prudent based on the current economic situation.

8. Demographic Information:
Etiwanda School District has a student population of 12997 and is located in the cities of Rancho Cucamonga and Fontana in San Bernardino County.
<table>
<thead>
<tr>
<th><strong>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</strong></th>
<th><em>X</em> No __ Yes</th>
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<tbody>
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<td>(If yes, please attach explanation or copy of audit finding)</td>
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| **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) |

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<thead>
<tr>
<th><strong>District or County Certification</strong></th>
<th>I hereby certify that the information provided on this application is correct and complete.</th>
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<tr>
<td>Signature of Superintendent or Designee:</td>
<td>Title:</td>
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<td>Superintendent</td>
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<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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<th><strong>Staff Name (type or print):</strong></th>
<th>Staff Signature:</th>
<th>Date:</th>
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<tbody>
<tr>
<td><strong>Unit Manager (type or print):</strong></td>
<td>Unit Manager Signature:</td>
<td>Date:</td>
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<tr>
<td><strong>Division Director (type or print):</strong></td>
<td>Division Director Signature:</td>
<td>Date:</td>
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<tr>
<td><strong>Deputy (type or print):</strong></td>
<td>Deputy Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
Amendment for Item 7 of Specific Waiver 28-5-2011

Etiwanda School District has worked to enhance and strengthen core academic programs for our students. The District has been forced to make difficult budget decisions while balancing our student’s need for strong early grade reading and math programs. Additional funding reductions imposed due to class-size penalties are estimated to be $286,055 for grades 1-3 annually. This loss of revenue would result in further impact to our classrooms resulting in reductions that reach the core academic programs such as reading, mathematics, and science. Etiwanda’s goal is to continue our momentum towards increased academic achievement, and it is our hope that additional revenue reductions due to class-size penalties will not occur.
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-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:
Huntington Beach City School District
Contact name and Title:
Jon M. Archibald
Asst. Superintendent, Admin. Services
Contact person’s e-mail address:
jarchibald@hbcsd.us

Address:
20451 Craimer Lane
Huntington Beach
CA 92646
Phone (714) 378-2050
Fax number: (714) 964-2993

Period of request: From: July 1, 2010 To: June 29, 2012
Local board approval date: June 21, 2011

LEGAL CRITERIA

1. Authority for the waiver: Ed Code. Specific code section: 41382
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.
   41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: 41388 and 41376(a)(c) and (d) Circle One: EC or CCR
   Brief Description of the topic of the waiver: Class sizes in Kindergarten and in 1st through 3rd

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? __ No X Yes If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s): Huntington Beach Elementary Teachers Association (HBETA) (CTA) was consulted on June 7, 2011. California School Employees Association, Chapter 316 (CSEA) was consulted on June 9, 2011.
   Name of bargaining units and representative(s) consulted: HBETA – Trinon Carter, President and CSEA – Mark Francovig, President
5. Advisory committee or school site council that reviewed the waiver. Name: All Elementary school site councils reviewed the waiver.

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: Eader Elementary School (June 16, 2011), Hawes Elementary School (June 16, 2011), Huntington Seacliff Elementary School (June 16, 2011), Moffett Elementary School (June 13, 2011), Perry Elementary School (June 16, 2011), Peterson Elementary School (June 16, 2011), Smith Elementary School (June 13, 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. 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.)

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 thirty (33); (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.

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 32 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 in each class, the total enrollment in all such classes, 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 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 district requests a waiver to increase district-wide average number of pupils per each full-time equivalent (FTE) teacher in Kindergarten and Grades 1-3 to 32 pupils per FTE. The current class size averages in EC 41378 and EC 41376 are more restrictive than the district collective bargaining agreement. We do not seek an increase in class size maximums.

During this very difficult budget crisis facing California school districts, it’s important that Huntington Beach City School District receive this waiver to limit any further program reductions and continue to provide quality service for our students. Our staffing reality will be less than a district-wide average of 32 pupils per FTE because the district collective bargaining agreement will be more restrictive. We estimate additional funding reductions of approximately $364,000 annually if this waiver isn’t approved. Thank you for your consideration.

8. Demographic Information:
   The Huntington Beach City School District has a K-8 student population of 7,116 and is located in a small city 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: Assistant Superintendent Administrative Services | Date: June 21, 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 REQUEST

SW-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

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```
1. Authority for the waiver: X   Specific code section: EC 41382
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 provision: Application to State Board of Education
Class Size Penalty grades K-3  kak 6/10/11

2. Education Code or California Code of Regulations or portion to be waived.
Section to be waived:  (number) EC 41376 (a)(c)(d) and EC 41378 (a) through (e)  Circle One: EC or CCR
Brief Description of the topic of the waiver: Waiver of class size penalties for grades K-3. Under the provisions of Education Code Sections 41376 (a), (c) and (d) and 41378 (a) through (e) to avoid class size penalties.

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? __ No  X  Yes  If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):  May 25, 2011
Name of bargaining units and representative(s) consulted: Manteca Educator’s Association, Ken Johnson, President per joy Williams  jb 6/13/11
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 Committee for State and Federal Programs
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

 X  Approve ___ Neutral ___ Oppose  6/2/2011
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 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. 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.

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 thirty-two (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 thirty-two (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 District is seeking to temporarily increase average class size in grades K-3 up to the maximum class size of 33 in Kindergarten and 32 in grades 1-3 in order to reduce expenditures and avoid penalties. The District faces severe fiscal challenges from persistent State funding reductions. The District is requesting that Education Code Section 41376 (a) (c) and (d) and Ed Code Section 41378 and the associated penalties be waived in order to increase average class sizes until additional revenues are available. The waiver would end on June 30, 2013 unless otherwise extended. The staffing cost savings from a temporary increase in average class sizes is crucial as the District attempts to balance budgets.

8. Demographic Information: Manteca Unified School District has a student population of 23,199 and is located in a small city in San Joaquin County.
<table>
<thead>
<tr>
<th>Question</th>
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<tr>
<td>Is this waiver associated with an apportionment related audit penalty?</td>
<td></td>
<td>X</td>
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<td>(per EC 41344)</td>
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<td>(If yes, please attach explanation or copy of audit finding)</td>
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<tr>
<td>Has there been a Categorical Program Monitoring (CPM) finding on this</td>
<td></td>
<td>X</td>
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<tr>
<td>issue? (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.*

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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></td>
<td>Assistant Superintendent of Personnel</td>
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<tr>
<th>Signature of SELPA Director (only if a Special Education Waiver)</th>
<th>Date:</th>
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<tbody>
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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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<th>Unit Manager (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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</table>
#7 Desired outcome/rationale:

The District’s current class size maximum matches the staffing ratios found in the Manteca Unified School District’s Collective Bargaining Agreement. In light of the current statewide budget crisis and the reduced revenue to school districts the District is interested in exploring the option of increasing the current staffing ratios in order to potentially reduce personnel costs.

Manteca Unified School District has worked to enhance and strengthen core academic programs for our students. The District has been forced to make difficult budget decisions while balancing our student’s need for strong early grade reading and math programs. Additional funding reductions imposed due to class-size penalties are estimated to be $1,300,000.00 annually. This loss of revenue would result in further impact to our classrooms resulting in reductions that reach the core academic programs such as reading, mathematics, and science. Manteca Unified’s goal is to continue our momentum towards increased academic achievement, and it is our hope that additional revenue reductions due to class-size penalties will not occur.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC 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:  
Panama-Buena Vista Union School District  

Contact name and Title:  Michael Brouse, Assistant Superintendent  
Contact person’s e-mail address: mbrouse@pbvusd.net  

Address:  4200 Ashe Rd  
Bakersfield, CA 93313  

(City)  
(State)  
(ZIP)  

Phone (and extension, if necessary):  661-831-8331 x6111  
Fax number:  661-398-2141  

Period of request:  (month/day/year)  
From:  12/1/2010  
To:  6/3/2012  

Local board approval date:  06-14-2011  

ECC 7/7/11 LEGAL CRITERIA  

1. Authority for the waiver:  Ed Code 33050-33053;  Ed Code 41382  
Specific code section:  41376  
Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.  
See Attached # 1  

2. Education Code or California Code of Regulations or portion to be waived.  
Section to be waived:  (number)  41376  
Circle One:  EC or CCR  
Brief Description of the topic of the waiver:  Waiver of class size penalty for exceeding a district-wide class average in grades K-3 of 30 and the maximum class size of 32 students.  

3. If this is a renewal of a previously approved waiver, please list Waiver No:  N/A  
and date of SBE approval _______.  
Renews 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:  
Classified School Employees Association:  Panama-Buena Vista Teachers Association  
Bargaining unit(s) consulted on date(s):  CSEA- Feb. 23, 2011;  PBVTA- Feb. 10, 2011;  Teamsters- March 29, 2011  
Chapter President:  Representative  
Name of bargaining units and representative(s) consulted:  Vicki Billington-CSEA;  Chris Coyle-PBVTA;  Lillian Abarquez-Teamsters Local 87, Trustee  
The position(s) of the bargaining unit(s):  X  Neutral  ___ Support  ___ Oppose  (Please specify why)  
Comments (if appropriate):  

5. Advisory committee or school site council that reviewed the waiver. Name:  District English Learner 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:  March 17, 2011  
X  Approve  ___ Neutral  ___ Oppose  
Weren't 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.)

See Attached # 6

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 # 7

8. Demographic Information:
The Panama-Buena Vista Union School District has a student population of 16,966 and is located in Bakersfield (urban) in Kern 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: Assistant Superintendent, Business Services Date: June 15, 2011

Signature of SELPA Director (only if a Special Education Waiver) Date:

N/A

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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:
The EC Section citation
41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

#6

Education Code or California Code of Regulations section to be waived

#6 EC to be waived” for Kindergarten penalties.

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.

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.

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 school day.

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.

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#7

**Desired outcome/rationale**

The district is requesting a waiver to increase the individual number of K-3 pupils per each full-time equivalent classroom teacher to 33 per FTE in the 2010-11 school year. This is due to budget reductions and layoffs which resulted in an increase of classroom sizes, and a penalty of over approximately $600,000. We are requesting an average increase in class sizes of 33, with an individual class size maximum of 38 students per classroom teacher for the 2011-12 year. The current budget crisis has made this necessary. The Board has determined that our ability to continue the same standard of instruction for all required programs, including reading and mathematics, will be seriously compromised by the financial penalties imposed on the district without the approval of the requested waiver. Please let it be noted, that these ratios do not include pull out classes, such as Music, Art, RSP, etc, for which we provide additional certificated teachers. If these pull outs were calculated, the average class size would be lower.

If the district implements the class size increase at the requested level without a waiver, the penalty for 2010-11 will be approximately $600,000 and the penalty for 2011-12 is estimated at approximately $4.3 million.
ITEM W-6
## General Waiver

### SUBJECT

Request by Novato Unified School District for a waiver of California Education Code Section 48661(a) to permit the colocation of a community day school on the same site as a continuation high school and independent study center.

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<td>☑ Approval</td>
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<td>☐ Approval with conditions</td>
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<td>☐ Denial</td>
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### RECOMMENDATION

- Approval

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

The State Board of Education (SBE) has approved previous waiver requests from districts to permit the location of a community day school (CDS) on the same site as a continuation high school or independent study center when it was not feasible for a district to operate the CDS at a separate location and the district is able to ensure appropriate separation of students between the schools.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at [http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc](http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc), achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore, this waiver has been scheduled for the consent calendar. Novato Unified School District (USD) has a 2010 API of 827.

### SUMMARY OF KEY ISSUES

California Education Code (EC) Section 48661(a) states that a CDS shall not be situated on the same site as other types of schools. EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

The EC Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. The Novato USD serves 7,873 students. This waiver, if approved, would allow Novato USD the same local determination option as a smaller district.

Given site and financial constraints, Novato USD is unable to find a fully separate location for a CDS at this time. The district has recently closed a middle school, making
that campus available for an alternative education center that is fully separate from all traditional elementary, middle, and high schools. As part of this alternative education center, the CDS would share the campus with a continuation high school and an independent study center. However, the district intends to put in place several means of maintaining complete separation of the schools. The CDS will have its own restrooms, its own campus entrance and parking, and different arrival and departure times. Fencing will provide a clear barrier in addition to a “no kid zone” immediately surrounding the CDS.

The district is requesting this waiver for one year. The district will be asked to present data to demonstrate that the colocation has been implemented safely as part of any application for a renewal waiver.

The local board voted unanimously to approve the waiver request. The local bargaining units are both supporting this request. The Community Day School Advisory Committee was consulted and had no objections.

The Department recommends approval of the waiver for the period requested, which will allow for re-evaluation before renewal is considered.

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 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: Novato USD has a student population of 7,873 and is located in a suburban area in Marin County.

Authority for Waiver: EC Section 33050

Period of request: August 1, 2011, to July 31, 2012

Local board approval date(s): May 3, 2011

Public hearing held on date(s): May 3, 2011
Bargaining unit(s) consulted on date(s): March 1, 2011

Name of bargaining unit/representative(s) consulted: Novato Federation of Teachers, Leslie Lipman, President; Jon Dick, Vice President; Aaron Fix, Treasurer; California School Employees Association, Richard Bethel, President; Sandie Vaughn, Past President of the Executive Board

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

Advisory committee(s) consulted: Community Day School Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: March 7, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: Letter of support from Richard Bethel, President, California School Employees Association (1 page) (Original is on file in the SBE Office or the Waiver Office.)

Attachment 3: Site Map (1 page) (Original is on file in the SBE Office or the Waiver Office.)
The State Board of Education:

1) Adopts the following criteria to define eligible districts and schools for the purposes of an SBE waiver policy to streamline waiver requests from districts and schools that meet the following criteria:

For districts:
- Achieve API scores of 800 or above in the current scoring cycle.

For individual schools outside of these districts:
- Achieve API scores of 800 or above in the current scoring cycle and meet API growth targets for all subgroups; or
- Successfully meet API growth targets in three out of the past five years.

2) For these districts and schools (individual schools must, by statute, apply through their districts) waiver requests will henceforth be heard by the Board in its waiver consent calendar. By Board practice, any member of the public may, by indicating an interest beforehand, comment on any item on the consent or waiver consent calendar.

Districts and schools participating in this streamlined waiver program shall report annually to their appropriate governing body, to their community, and to CDE and the SBE regarding the way the waivers have been used and the impact on school and district outcomes, particularly including API growth for student subgroups and identification of any reallocations of personnel or funding.

Waivers approved in this program will remain in place for two years less one day.

3) Separately, the Board directs SBE and CDE staff to form a working group of superintendents and other stakeholders that will identify:
   a. Particular elements of the EC that are consistent impediments to the success of schools and districts
   b. Particular elements of the EC that are helpful and important.
All meetings of this working group will be public meetings. It is the intent of the Board that this workproduct will help educate the Board as it considers additional waiver programs and as it engages in a dialog with the legislature regarding revisions of the Education Code itself.

4) This program will be reviewed annually by SBE and CDE.
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:  
Novato Unified School District  

Contact name and Title:  
Dr. Iishwara Ryaru  

Contact person’s e-mail address:  
iryaru@nusd.org  

Address:  
1015 Seventh Street  
Novato  
CA  
94945  

Phone (and extension, if necessary):  
(415) 897-4294  
Fax Number:  
(415) 892-1622  

Period of request:  
From: Aug 1, 2011  
To: July 31, 2012  

Local board approval date:  
May 3, 2011  

Date of public hearing:  
May 3, 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 48661(a)  
Circle One:  
EC  
CCR  

Jb 6/27/11  

Topic of the waiver: Colocation of Community Day School with Continuation High School and Independent Study

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): March 1, 2011  

Name of bargaining unit and representative(s) consulted:  
Novato Federation of Teachers (NFT)  
Leslie Lipman, President; Jon Dick, Vice President; Aaron Fix, Treasurer  
California School Employees Association (CSEA)  
Richard Bethel, President; Sandie Vaughn, Past President of the Executive Board  
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 ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Community Day School Advisory Committee  

Date the committee/council reviewed the waiver request: Monday, March 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).

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

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 Novato Unified School District (NUSD) has continued to make every effort to support all students, even during economically trying times. NUSD recently voted to move from a three middle school configuration to a two middle school configuration. One site has been used for a middle school in the past will be utilized as an alternative education center in the 2011-2012 school year. At the present time, the district is able to identify space at the alternative education center for a community day school (CDS). Given site and financial constraints, NUSD is unable to find another location for the CDS at the present time. Utilizing space at the alternative education center would mean that the CDS would exist on the same campus as the continuation high school and independent study center. However, NUSD is committed to ensuring that the CDS is separated from the other programs at the site. NUSD is able to ensure separate bathrooms, entrances/ exits, arrival and departure times for those students participating in the CDS. Fencing will also be installed to ensure that a clear barrier separates the CDS from the other programming. Further a “no kid zone” will be implemented in the area immediately surrounding the CDS.

Attached, please find a map showing the boundaries of the campus.

8. Demographic Information:
Novato Unified School District has a student population of 7,873 and is located in a suburban area in Marin 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:  Pam Conklin, Acting Superintendent  Date: May 6, 2011
March 2, 2011

Dear Dr. Derby,

At our meeting on March 1, 2011, with Novato Unified Staff, they shared with us their desire to bring the Community Day School to Novato Unified. The California School Employees Association is in full support of the Community Day School as a school in the Novato Unified School District.

Respectfully,

Richard Bethel
President, CSEA Chapter 312
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-7
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

☑ General Waiver

SUBJECT

Request by Shasta Union High School District for a waiver of California Education Code Section 48661(a) to permit the colocation of Freedom Community Day School on the same site as Shasta High School, University Prep School, Pioneer High School, and North State Independence High School.

Waiver Number: 29-5-2011

RECOMMENDATION

☑ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved previous waiver requests from districts to permit the location of a community day school (CDS) on the same site as a continuation high school, comprehensive high school, charter high school, or an independent study school when it was not feasible for a district to operate the CDS at a separate location and the district is able to ensure appropriate separation of students between the schools.

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. Shasta Union High School District (HSD) has a 2010 API of 808.

SUMMARY OF KEY ISSUES

California Education Code (EC) Section 48661(a) states that a CDS shall not be situated on the same site as other types of schools. EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

The Shasta Union HSD CDS has been housed in a sub-standard storefront facility at a cost of $27,000 per year. The current facility is not large enough to meet the needs of all students who need this educational placement option to be successful in school. To improve the educational setting, save the district money in a challenging fiscal period, and meet the needs of currently underserved students, the district intends to relocate...
the CDS to a large campus that currently includes a continuation high school, comprehensive high school, charter high school, and independent study school.

Consistent with the intent of the law, the district believes that it can maintain complete separation of the CDS students and students from the other schools. The CDS will be separated from these schools by a football stadium and soccer/softball fields (side-by-side). It will also be separated by a steep hill of 100 foot elevation and fencing. The entire space between the schools is easily visible from the top and bottom of the hill. The CDS will have its own bathrooms, classrooms, and exercise yard. Supervision will be provided by two full-time teachers, two full-time paraprofessionals and a security guard. CDS students (who now must provide their own transportation) will also be able to be bussed directly to the school. Finally, the CDS start and close times will be different from those of students in the other schools.

The Shasta Union HSD is requesting this waiver for one year. The district will be asked to present data to demonstrate that the colocation has been implemented safely as part of any application for a renewal waiver.

The local board voted unanimously to approve the waiver request. The local bargaining unit is neutral. The advisory committees from each of the collocated schools were consulted and had no objections. The Department recommends approval of the waiver for the period requested, which will allow for re-evaluation before renewal is considered.

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 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: The Shasta Union HSD has a student population of 5,889 and is located in a small city of Clearlake, a rural community in Shasta County. Freedom CDS has a student population of 35.

Authority for Waiver: EC Section 33050

Period of request: August 1, 2011, to July 31, 2012

Local board approval date(s): May 10, 2011
Public hearing held on date(s): May 10, 2011

Bargaining unit(s) consulted on date(s): March 10, 2011

Name of bargaining unit/representative(s) consulted: Shasta Secondary Education Association, Tom Roberts, President

Position of bargaining unit(s) (choose only one):
- [ ] Neutral  [ ] Support  [ ] Oppose

Comments (if appropriate): None submitted

Public hearing advertised by (choose one or more):
- [x] posting in a newspaper  [ ] posting at each school  [ ] other:

Advisory committee(s) consulted: Shasta High School (SHS), University Prep School (UPrep), Pioneer High School (PHS), North State Independence High School (NSIHS)

Objections raised (choose one):  [x] None  [ ] Objections are as follows:

Date(s) consulted: SHS, April 20, 2011; UPrep, April 13, 2011; PHS, May 3, 2011; NSIHS, May 3, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: Site Maps (1 pages) (A printed copy is available in the SBE Office or 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:  Send Electronic copy in Word and back-up material to: waiver@cde.ca.gov
Waiver Office, California Department of Education  4570136  kak 5/19/11
1430 N Street, Suite 5602  Sacramento, CA 95814

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Local educational agency:  Contact name and Title:
Shasta Union High School District  Guy Malain
Address:  (City)  (State)  (ZIP)
590 Mary Street, Redding, CA 96001
Phone (and extension, if necessary):  530-245-2759
Fax Number:  530-245-2761

Period of request:  From: August 1, 2011 To: July 31, 2012
Local board approval date:  (Required)
May 10, 2011
Date of public hearing:  (Required)
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):  Circle One: EC or CCR:
Topic of the waiver:  48661: Community Day school may not be situated on a school site.
(a)  jb 5/24/11

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):  3/10/11
Name of bargaining unit and representative(s) consulted:  Tom Roberts, President: Shasta Secondary Education Association  kak 6/10/2011
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?  The SUHSD Board unanimously approved the waiver after the public hearing.
_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:
Shasta High School (SHS), University Prep School (Prep),  Pioneer High School (PHS), North State Independence High School (NSIHS)
Date the committee/council reviewed the waiver request:  SHS: 4/20/11, UPrep: 4/13/11, PHS: 5/3/11, NSIHS: 5/3/11

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).

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

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.

Freedom Community Day School currently is housed in a store front which provides a sub standard educational facility and costs the SUHSD $27,000.00 per year. The current facility is not large enough to meet the needs of the students who are currently being under served. To improve the educational setting, save the district money, and improve the level of service the school will be relocated to SUHSD property that also houses the continuation school, charter high school, comprehensive high school and the independent study school. The new location is separated from these schools by a football stadium and soccer/softball fields (side-by-side) and resides at an elevation approximately 100 feet lower. The space between the new location and the other district schools provides easy visibility of the entire area from the bottom or the top of the steep hill. The new location will have its own bathrooms, three portable classrooms, an exercise yard and will be completely self-contained with the students under constant supervision. A fence separates the new location from the fields. The 35 students will have two full time teachers and two paraprofessionals on duty at all times. A security guard will be assigned exclusively to the Freedom campus to provide supervision before, during and after school hours for the school itself, the adjacent campuses and the surrounding neighborhood. The students will also be able to be bussed (they now must provide their own transportation) which will improve access to the school for students living in rural areas. Currently, the SUHSD buses similar students that attend the Court and Community School, thus supervision and monitored stops are already in place to deal with misbehaviors that occur on the bus. Freedom will have a 6 hour school day that will begin after Shasta High and University Preparatory students are in class and before North State and Pioneer students begin school. The release time similarly will be slightly different times than the adjacent schools.

8. Demographic Information: District: Oct 6, 2010, 5,889 Shara Presidio DS 6/9/11 (District/school/program) Freedom Community Day School has a student population of __35____ and is located in a ___(small city in ___Shasta___ County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No X Yes

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes

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</th>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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Google maps

To see all the details that are visible on the screen, use the “Print” link next to the map.

Proposed New Freedom: Ingress/Egress 7th to Mary Street
Pioneer Ingress/Egress: Street above Football Field
Shasta Ingress/Egress: 8th St. or Pioneer Dr.
Univ. Prep. Ingress/Egress: 10th St. or Magnolia St.
North State Ingress/Egress: Magnolia St.
ITEM W-8
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT
Request by Barstow Unified School District for a waiver of California Education Code Section 48661(a) to permit the colocation of School of Opportunity, a community day school, on the same site as Central High School, a continuation high school.

Waiver Number: 4-6-2011

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved previous waiver requests from districts to permit the location of a community day school (CDS) on the same site as a continuation high school or independent study center when it was not feasible for the district to operate the CDS at a separate location and the district is able to ensure appropriate separation of students between the schools.

SUMMARY OF KEY ISSUES

The Barstow Unified School District (USD) is requesting a waiver of California Education Code (EC) Section 48661(a) which states that a CDS shall not be situated on the same site as other types of schools. EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

The EC Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. The Barstow USD serves approximately 5,853 students. This waiver, if approved, would allow Barstow USD the same local determination option as a smaller district.

In order to provide an effective learning environment for expelled and other at-risk students, the Barstow USD unanimously voted to establish a CDS. The Barstow USD evaluated sites and facilities owned by the district and potential rental sites in the surrounding community. Each fully separate site was found to be inappropriate due to factors that included location, inadequacy of the facility, difficulty in providing administrative support, and excessive costs.
The Barstow USD operates an alternative education center that is fully separate from all traditional elementary, middle, and high schools. As part of this alternative education center, the CDS would share the campus with a continuation high school, an independent study center, and a Cal-SAFE program.

Consistent with the intent of the law, Barstow USD intends to put in place several means of maintaining complete separation of the CDS students and students from the other schools. The CDS will have its own restrooms, its own campus entrance and parking, and different arrival and departure times. There will also be fencing between the schools.

The district is requesting this waiver for one year. The district will be asked to present data to demonstrate that the colocation has been implemented safely as part of any application for a renewal waiver.

The local board voted unanimously to approve the waiver request. The local bargaining units are both supporting this request. The district’s Drop Out Prevention Committee was consulted and had no objections.

The Department recommends approval of the waiver for the period requested, which will allow for re-evaluation before renewal is considered.

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 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: Barstow USD has a student population of 5,853 and is located in a small city in San Bernardino County.

Authority for Waiver: EC Section 33050

Period of request: August 1, 2011, to July 31, 2012

Local board approval date(s): April 19, 2011

Public hearing held on date(s): April 19, 2011
**Bargaining unit(s) consulted on date(s):** May 10, 2011

**Name of bargaining unit/representative(s) consulted:**
Barstow Education Association, Candice Michelson, President;
California School Employees Association, Diane Patty, 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

**Advisory committee(s) consulted:** Community Day School Advisory Committee

**Objections raised (choose one):** ☑ None ☐ Objections are as follows:

**Date(s) consulted:** April 29, 2011

---

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval or denial.

---

**ATTACHMENT(S)**

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: Site Map (1 page) (A printed copy is available in the SBE Office or 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

Local educational agency:
Barstow Unified School District

Contact name and Title:
Joni James; Director II Pupil Services

Contact person’s e-mail address:
joni_james@busdk12.com

Address: 
551 South Avenue H
Barstow
CA 92311

Phone (and extension, if necessary):
760-255-6032
760-255-6319

Fax Number: 760-2556319

CD CODE
3 6 6 7 6 1 1

Period of request: (month/day/year)
From: August 1, 2011 To: July 31, 2012

Local board approval date: (Required)
April 19, 2011

Date of public hearing: (Required)
April 19, 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: 48661. Co-Location of School of Opportunity the CDS with a Central Continuation High School

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.

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): Barstow Education Association (BEA) and Classified Services Education Association (CSEA) 5/10/11 per J. James DS 6/16/11

Name of bargaining unit and representative(s) consulted: Candice Michelson (BEA President) and Diane Patty (CSEA President)

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (Please specify why)

Comments (if appropriate): Though both unions support the opening of a Community Day School they are concerned about the cost of this program at a time when the District is looking for cuts. Response: We must service these students and by having a CDS we have a greater chance of the student being readmitted and graduating.

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: Drop Out Prevention Committee, April 29 2011 kak 6/8/11
Per Joni James

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*).

48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

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 an effort to provide our students who are the most at-risk and at-promise with a learning environment that will prepare them to return to the comprehensive school with the resiliency they need to be successful following their expulsion or placement by SARB or Probation, the Board of Trustees unanimously voted that the District would apply to open a community day school. With this goal in mind the District Office began the search for the proper site to house the CDS that would be a safe place for students to attend. An evaluation of possible sites was conducted. District officials evaluated various sites and facilities owned by the District. During these difficult economic times it was not feasible for the District to rent a space and still cover the cost of the program. Each site was evaluated and found by the District to be inappropriate due to location, age of the facility, lack of facilities or that it created a challenge for administrative support the program must have to be successful. After much deliberation it was determined that the best location for students and staff would be a single self-contained classroom (*with own restroom*) currently located at the back of the Central High School campus, the District’s Continuation High School. Central is the home to two other alternative programs for students, Independent Study and CAL Safe. The classroom sits away from the main building which houses the classes for the continuation school. The CDS classroom is set apart from the Independent Study classrooms which are fenced to allow access to the continuation school and provides security to the classrooms. Though the CDS classroom is next door to the CALSAFE program it is *(see attached page for remainder of 7.)*

8. Demographic Information:

Barstow Unified School District, School of Opportunity, Barstow California_ has a student population of 5,853 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.*

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<td>Director II, Pupil Services</td>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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7. Continued

…fenced on all sides by chain link and there is no access from the CDS classroom into the Cal SAFE area. To reach the classroom the students of the School of Opportunity will enter through a gate at the back of the school and cross a parking lot to reach their classroom. They will have no contact with other students as the student from Cal Safe, Central Continuation and Independent Study all enter and exit the school through the front door of the main building and utilize a back door of the main building to gain access to their classroom. This entire area is fenced and is only accessible from the CDS classroom through a gate that is locked during school hours. The CDS students will have the support of a principal that believes in at-risk and at-promise students yet will not have access to other students and facilities.

The Board of Trustees of Barstow Unified School District found this location to be a safe location as well as providing our expelled students with an environment that will permit them to build the resiliency they need to return to the comprehensive program.

We thank you for supporting us in providing the best for all our students including those who make mistakes.
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-9
General Waiver

Request by Chico Unified School District for renewal of a waiver of California Education Code Section 48661(a) to permit the colocation of Academy for Change Community Day School and the Center for Alternative Learning Opportunity School at the Fair View Continuation School.

Waiver Number: 39-5-2011

RECOMMENDATION

☑ Approval  ☐ Approval with conditions  ☐ Denial

If approved, California Education Code (EC) Section 33051(b) will apply, and the district will not have to reapply annually if the information contained on the request remains the same.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is a request for renewal of a waiver that was initially granted for one year in July 2010. The State Board of Education (SBE) has approved several similar requests to allow the colocation of a community day school (CDS) with other schools when the schools could not be located separately and the district has been able to ensure appropriate separation of students between the two schools.

SUMMARY OF KEY ISSUES

The Chico Unified School District (USD) requests renewal of a waiver of EC Section 48661(a) which states that a CDS shall not be situated on the same site as a continuation high school or an opportunity school. The Chico USD is seeking SBE approval to permit the continuing colocation of Academy for Change (AFC) CDS on the same site as Fair View Continuation High School (FVCHS) and the Center for Alternative Learning Opportunity School.

The EC Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. The Chico USD serves approximately 12,200 students. This waiver, if approved, would continue to allow Chico USD the same local determination option as a smaller district.
The AFC CDS was previously located at a fully separate location where it had operated under a lease agreement for the previous five years. However, the Chico USD faced severe fiscal challenges, having been negatively certified, and was on the verge of needing a state loan. The lease agreement ended on June 30, 2010. The annual cost of the lease was $150,000. Due to the Chico USD’s fiscal crisis, the lease could not be renewed.

In order to continue to serve its expelled and other at-risk students, the Chico USD needed to relocate the AFC CDS. The FVCHS campus was selected as providing the greatest possible separation from other traditional school classrooms and students. The AFC CDS was not located on the same site as an elementary, middle, or traditional comprehensive high school. Additionally, the FVCHS campus could support complete separation of the three schools. The AFC CDS occupies two rooms on the site that are set apart by fencing from the continuation high school and the opportunity school on campus. There are different entrance and exit locations and arrival, break, lunch, and departure times for the schools. Finally, a full-time school resource officer serves the campus and a part-time probation officer is housed on the AFC CDS portion of the site, ensuring that a “no kid zone” separates the students at all times.

The coexistence of these schools on the same campus has been very successful with no negative incidents between CDS students and students from the other schools. As an extra benefit, the colocation has facilitated eventual transfer of students from the CDS to the other schools, as appropriate.

The original waiver request was due to the Chico USD’s negatively certified budget, and the need to cut costs and consolidate programs. While Chico USD currently has a qualified budget, three-year projections indicate that negative certification is, once again, likely. The district does not anticipate being able to move the CDS to a fully separate location in the foreseeable future.

Following a public hearing, the Chico USD Board of Education voted unanimously to support this waiver renewal request. The Chico Unified Teachers Association (CUTA), which was neutral a year ago, now also supports the waiver. The local chapter of the California School Employees Association (CSEA) testified at the local board hearing for the initial waiver that they were supportive of the idea but were officially on record in opposition to the waiver request because they were concerned about potential lay-offs for classified staff. The CSEA has now moved to a neutral position. Both the Fair View High School and AFC School Site Councils considered the request and had no objections.

The Department recommends approval of renewal of this waiver as requested.
SUMMARY OF KEY ISSUES (Cont.)

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 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 Chico USD has a student population of 12,239 and is located in a suburban university town in Butte County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 30, 2012

Local board approval date(s): May 18, 2011

Public hearing held on date(s): May 18, 2011

Bargaining unit(s) consulted on date(s):
Chico Unified Teachers Association, May 4, 2011;
California School Employees Association, May 16, 2011

Name of bargaining unit/representative(s) consulted:
CUTA, John Jenswold, President;
CSEA, Susan Cox. Chapter President

Position of bargaining unit(s) (choose only one):
☒ Neutral: CSEA ☒ Support: CUTA ☐ Oppose

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other: Chico USD Web site

Advisory committee(s) consulted: Fair View High School and Academy for Change
Schoolsite Councils

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: April 26, 2011
FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: Letter from Janet L. Brinson, Director, Educational Services (1 page) (Original letter is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Site Map (1 page) (A printed copy is available in the SBE Office or the Waiver Office.)
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)  
http://www.cde.ca.gov/re/lr/wr/  

CALIFORNIA DEPARTMENT 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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Local educational agency:  
Chico Unified School District  
Contact name and Title: Janet L. Brinson  
Director, Education Services

Address:  
1163 East Seventh Street  
Chico  
CA  
95928

Phone (and extension, if necessary):  
(530) 891-3000, ext. 105

Fax Number:  
(530) 891-3220

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):  
48661a  
Circle One: EC or CCR

Topic of the waiver: Community Day School site location

2. If this is a renewal of a previously approved waiver, please list Waiver Number:  
# 53-3-2010-W-3  
and date of SBE Approval:  
July 15, 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):  
California School Employees’ Association (CSEA):  
5/16/11  
Chico Unified Teachers’ Association (CUTA):  
5/4/11  
5/25/11

Name of bargaining unit and representative(s) consulted:  
CSEA: Susan Cox, Chapter President  
CUTA: John Jenswold, President

The position(s) of the bargaining unit(s):  
X Neutral  
CSEA  
X Support  
CUTA  
__ 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)  
CUSD Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

School Site Council: Fair View, Academy for Change  
Date the committee/council reviewed the waiver request:  
4/26/11

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).

EC 48661a A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity of continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certified by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification make pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

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.

Chico Unified School District applied for and received a waiver for Academy for Change (AFC), CUSD’s community day school to be housed at the same site as Fair View, the continuation high school and Center for Alternative Learning (CAL), the opportunity school. The premise for the request 2010-11 was due to CUSD’s negatively certified budget, the need to cut costs and to consolidate programs. CUSD currently has a qualified budget, however, three-year projections indicate that negative certification is, once again, looming on the horizon. Additionally, CUSD continues to receive facilities requests from dependent and independent charters. Thus, there is a continued need to house AFC on the Fair View/CAL campus for the 2011-12 school year and beyond.

Housing AFC on the Fair View/CAL campus has also afforded students additional transition opportunities between alternative education programs as well as the junior high and comprehensive high schools. The coexistence of these schools on the same campus has been very successful and without incident. The need for these schools to be housed at the same facility is clearly evident.

CUSD has demonstrated the need for and values the community day school program and would like to continue to house AFC on the Fair View/CAL campus. CUSD realizes the need for a community day school to maintain adequate separation from existing school programs. The layout of the Fair View campus (see map, attached) allowed for such separation. Two rooms on the school site are set apart from the main Fair View campus. These two rooms have been fenced to fully separate the two schools. The fencing encompasses the classrooms and allows for a single entrance and exit point for AFC students. Additional precautions have been implemented by structuring different arrival and departure times for the schools. Each school has its own staffing for instruction and supervision.

Housing AFC on the Fair View/CAL campus has been a successful endeavor. AFC students transition back to other school sites once they have fulfilled their expulsions requirements. Many of these students transition to Fair View to complete their schooling and/or may attend Fair View for a short time and then return to one of the comprehensive high schools to complete their education. This arrangement provides a full spectrum of support for students so they do not “fall through the cracks”.

The Chico Unified staff is hopeful that this waiver will be approved for the 2011-12 school year.

8. Demographic Information:

The Chico Unified School District has a student population of 12,239 students (2010-2011) and is located in a suburban university town in Butte County. The district has three secondary alternative schools. Fair View, a continuation high school, has a student population of 257; CAL, a continuation middle school, has a population of 30 (2010-11); and the Academy for Change (AFC), a community day school, serves 91 students in 2010-2011.

---

**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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May 19, 2011

Christine Gordon  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Dear Ms. Gordon:

Please find attached a renewal waiver request for Education Code: 4866Ja with regard to the location of the Chico Unified School District community day school, Academy for Change (AFC). In fall, 2010, severe budget constraints forced us to apply for a first-time waiver to move AFC to the campus of our continuation high school, Fair View. The schools have been successfully sharing the site all year.

The intent of this waiver is to request that AFC continue to be housed on the Fair View campus in 2011-12. The facilities are such that the fully expelled students are able to enter and exit the campus from a different location. Schedules for start, lunch, break and end times are staggered to accommodate all students and allow for complete separation of the two schools. Support personnel are sufficient to ensure that all students are supervised and that a "no kid zone" separates the students at all times.

Fair View is afforded the opportunity to have a full-time School Resource Officer who has been able to extend support to the AFC staff and students. Additionally, a part-time probation officer will continue to be housed on the AFC portion of the campus to increase support for staff and students. Students in 12th grade who are transitioning out of the AFC program have the opportunity to attend Fair View and/or return to the comprehensive high schools.

It is the consensus of administration and staff at both AFC and Fair View that the coexistence of Fair View and AFC has been a very successful this year. On May 18, our Board of Trustees affirmed their belief in the success of this shared campus arrangement by unanimously voting to approve our application for a waiver renewal.

Thank you for your consideration of our request.

Sincerely,

Janet L. Brinson  
Director, Educational Services

cc: Dan Sackheim
FAIR VIEW HIGH SCHOOL
(at Jay Partridge site)

Updated 9/2006
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-10
CALIFORNIA STATE BOARD OF EDUCATION
SEPTEMBER 2011 AGENDA

General Waiver

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Waiver Number: 34-5-2011

RECOMMENDATION

☑ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved previous waiver requests from districts to permit the location of a community day school (CDS) on the same site as a continuation high school when it was not feasible for a district to operate the CDS at a separate location and the district is able to ensure appropriate separation of students between the schools.

SUMMARY OF KEY ISSUES

The Palo Verde Unified School District (USD) requests a waiver of California Education Code (EC) Section 48661(a) which states that a CDS shall not be situated on the same site as other types of schools. The EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

The EC Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. The Palo Verde USD serves 3,500 students. This waiver, if approved, would allow Palo Verde USD the same local determination option as a smaller district.

The campus where Palo Verde Community Day School (PVCDS) has been located is in need of substantial repair in order to meet facility standards. The district has proposed moving PVCDS into newer and more modern unused facilities on the same site as Twin Palms Continuation High School. The district maintains that the move is fiscally prudent and better for the PVCDS students and staff. Consistent with the intent of the law, the district believes that it can maintain complete separation of the PVCDS and
SUMMARY OF KEY ISSUES

continuation students. The schools will be separated by fencing and walls. Each school will have its own restrooms, parking lot, staff lounge, and other resources. This new site was also selected to avoid any interaction with students on traditional school campuses.

The district is requesting this waiver for one year. The district will be asked to present data to demonstrate that the colocation has been implemented safely as part of any application for a renewal waiver.

The local board voted unanimously to approve the waiver request. The local bargaining unit is neutral. The Twin Palms Continuation High Schoolsite Council and the English Learners Advisory Committee were consulted and had no objections.

The Department recommends approval of the waiver for the period requested, which will allow for re-evaluation before renewal is considered.

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 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: Palo Verde USD has a student population of 3,500 and is located in a small city in Riverside County. The PVCDS has a student population of 20.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 30, 2012

Local board approval date(s): May 17, 2011

Public hearing held on date(s): May 17, 2011

Bargaining unit(s) consulted on date(s): May 12, 2011
Name of bargaining unit/representative(s) consulted: Palo Verde Teachers Association, Willy Krebbers, President

Position of bargaining unit(s) (choose only one):
☑ Neutral  ☐ Support  ☐ Oppose

Comments (if appropriate): No action was taken by the bargaining unit to oppose the waiver. Discussions are ongoing and any issues will be addressed.

Public hearing advertised by (choose one or more):
☑ posting in a newspaper  ☒ posting at each school  ☐ other: posted at library

Advisory committee(s) consulted: The Twin Palms Continuation High Schoolsite Council and the English Learners Advisory Committee

Objections raised (choose one): ☑ None  ☐ Objections are as follows:

Date(s) consulted: May 5, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: Site Map (1 page) (A printed copy is available in the SBE Office or 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

Attachment 1  
Page 1 of 4

Local educational agency:  Palo Verde Unified School District  
Address:  295 1st Street, Blythe, CA 92225

Contact name and Title:  Bob Bilek, Acting Superintendent  
Contact person’s e-mail address: bbilek@puusd-bly.k12.ca.us

CD CODE  
3 3 6 7 1 8 1

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

Collocation of Community Day School (kak 5/23/2011)  
Topic of the waiver: 48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:  
(1) When the governing board of a school district certifies by a two-thirds vote of its membership that satisfactory alternative facilities are no available for a community day school.  
(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board

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):  May 12, 2011  
Name of bargaining unit and representative(s) consulted: Willy Krebbers, President of Palo Verde Teachers Assn.  
The position(s) of the bargaining unit(s):  _X  Neutral   __  Support   __ Oppose (Please specify why)  
Comments (if appropriate): Discussion with bargaining unit is ongoing; issues will be addressed

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)  Posted at Library
### Advisory committee or school site councils
Please identify the council(s) or committee that reviewed this waiver:

- Twin Palms Continuation Site Council
- *English Learners Advisory Committee, May 5 2011*

Date the committee/council reviewed the waiver request: **No Advisory Committee for the school.**

Were there any objection(s)?
- No  [X]
- Yes  [ ]

*(If there were objections please specify) (Per Bob Bilek jb 5/26/11)*

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### General Waiver Request

**CALIFORNIA DEPARTMENT OF EDUCATION**

**GENERAL WAIVER REQUEST**

GW-1 (10-2-09)

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### 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 48661: Situation of Community Day School.**

See attached

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### 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 current school campus requires repair. It does not meet Ed Code regulation or Williams Act facility requirements. The district has newer and more modern unused facilities at a location adjacent to an Alternative High School. It is fiscally prudent for the district and better for student/staff that the Community Day School be moved to that location. The location will be isolated from the Alternative High School using fencing and walls. The campuses will have different addresses, parking lots, staff lounges, restrooms, and other resources.

**Palo Verde Community Day School on the same site as Twin Palms High School (kak 5/23/2011)**

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### Demographic Information
Community Day School has a student population of 20 and is located in a remote, small town in Riverside County.

**Dist. Enrollment 3,500**  *(per J. Rizzotto 6/15/2011 D.S.)*

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### Is this waiver associated with an apportionment related audit penalty? (per EC 41344)
(If yes, please attach explanation or copy of audit finding)

- No  [ ]  Yes  [X]

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### 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:**  Acting Superintendent

**Date:**  May 12, 2011
| **Palo Verde USD**  
| **Community Day School Collocation Waiver**  
| **#34-5-2011** |
48661. (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.
ITEM W-11
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT
Request by Riverdale Joint Unified School District for renewal of a waiver of California Education Code Section 48916.1(d) and portions of Education Code Section 48660 to permit a community day school to serve students in grades five through six with students in grades seven through twelve.

Waiver Number: 26-5-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

This waiver will only apply to students in grades five through twelve, inclusive.

If approved, California Education Code (EC) Section 33051(b) will apply and the district will not have to reapply annually if the information contained on the request remains the same.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved previous waiver requests from small districts to expand the allowable grade span for a community day school (CDS) when it was not feasible for a district to operate two separate schools.

SUMMARY OF KEY ISSUES

The EC sections 48660 and 48916.1(d) provide, respectively, for the allowable grade spans of CDSs and educational services for expelled students. EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion. Consistent with this statutory framework, the Riverdale Joint Unified School District (JUSD) originally operated a CDS for students in grades seven through twelve.

In 2010, the Riverdale JUSD identified a need to also be able to serve expelled fifth and sixth grade students in the CDS. The Fresno County Office of Education does not serve expelled students in these grades. The closest school district that serves elementary expelled students is 33 miles away, which is too distant for successful transportation.

SUMMARY OF KEY ISSUES (Cont.)
As a small rural district, the Riverdale JUSD cannot support two CDSs under the current extreme fiscal conditions. Implementation of Assembly Bill X4 2, the 2009 education budget trailer bill, froze most CDS monies to school districts for the 2007–08 school year. Indirectly, the legislation eliminated the funding of any new small district CDS funding waivers that would have made it possible for Riverdale JUSD to establish a second CDS for the additional grade span.

While expanding the grade span to include students from grade five through twelve is not ideal, the Riverdale JUSD believes that this is a workable, as well as a necessary solution. The CDS consists of one self-contained class with one teacher and an instructional aide. As a very small district, the Riverdale JUSD finds it is very hard to predict when and if a student in any specific grade level will need to be served by a CDS. This means that at any given time, all of the students might be in elementary grades, middle grades, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled. Eligibility of any student below grade seven will be determined on a case-by-case basis. At no time does the district expect more than twelve students to be enrolled, with at most half in grades five or six.

The Riverdale JUSD is requesting this waiver until the fiscal crisis is over. When that time comes, the district intends to apply to open a second CDS for elementary students, in accordance with normal statutory grade span guidelines.

The local board voted unanimously to approve the waiver request. The local bargaining unit is neutral. The schoolsite councils for the elementary, high school, and CDS were all consulted and had no objections.

The Department recommends approval of the waiver.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a). “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 Riverdale JUSD has a student population of 1,520 and is located in a rural community in Fresno County.
Authority for Waiver: EC Section 33050
Period of request: September 25, 2011, to September 26, 2012

Local board approval date(s): May 11, 2011

Public hearing held on date(s): May 11, 2011

Bargaining unit(s) consulted on date(s): March 8, 2011

Name of bargaining unit/representative(s) consulted:
Riverdale Teachers Association, Donna Drieth, President

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose

Comments (if appropriate): None submitted

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ other:

Advisory committee(s) consulted: Riverdale Elementary Schoolsite Council;
Riverdale High School and Riverdale Community Day Schoolsite Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:
All support the waiver request.

Date(s) consulted: Riverdale Elementary Schoolsite Council, March 28, 2011;
Riverdale High School and Riverdale Community Day Schoolsite Council,
May 2, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09)  http://www.cde.ca.gov/re/lr/wr/

26-5-2011                                           Attachment 1
Page 1 of 3

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
1 0 7 5 4 0 8

Local educational agency:
Riverdale Joint Unified School District

Contact name and Title:
Liz Motta-Administrator of Support Services & Accountability

Contact person’s e-mail address:
emotta@rjusd.org

Address:
P.O. Box 1058
Riverdale, CA 93656

Phone (and extension, if necessary):
(559) 867-8200
Fax Number:
(559) 867-6722

Period of request: (month/day/year)
From: 8/1/2011 To: 8/1/2012

Local board approval date: (Required)
May 11, 2011

Date of public hearing: (Required)
May 11, 2011

Per Barbara Mugrare DS 6-16-11
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):
48660 & 48916.1d
Circle One: EC or CCR

Topic of the waiver: Grade span served in Community Day School

2. If this is a renewal of a previously approved waiver, please list Waiver Number:
15-9-2010-W-11 _ and date of SBE Approval__ 11-10-10

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? __ No X Yes __
If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):
03/08/2011

Name of bargaining unit and representative(s) consulted:
Riverdale Teacher Association-Donna Drieth, 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:
Riverdale Elementary School Site Council – 03/28/2011
Riverdale High School and Riverdale Community Day School Site Council – 05/2/2011

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).

48660 – Ed Code
48916.1d – Ed Code
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.

Riverdale Unified would like to apply for a one year waiver to change the Community Day School grade span.

We believe that in order to improve educational options for expelled students in grade 5-6 and to allow them to remain in the community, this waiver would be beneficial. Fresno County Department of Education does not offer any community or court school for students in these grades. There are no means of transportation for these students to reach a community day school at another district, as it is too far.

Currently, our programs (5-6) are fully impacted and hiring a new teacher at this time is not an option. Opening a second community day school to serve elementary students is not an option, physically not possible. Any student below 7th grade, will be decided on a case to case basis. If we have any 5th or 6th graders in our Community Day School, it would probably be a maximum of 5 students at any one time.

8. Demographic Information:
Riverdale Joint Unified School District has a student population of 1520 and is located in a rural community (urban, rural, or small city etc.) in Fresno 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: May 11, 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:
48660. The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

48916.1d If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.
Federal Waiver

SUBJECT

Request by seven 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).


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 LEAs cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium. Districts are located in various rural counties, and have student populations ranging from 98 to 2,389. Districts are seeking waivers to function independently in order to meet the needs of the students in the district. The Department recommends approval of these waivers.
Authority for Waiver: Federal Waiver Authority (Public Law 109-270) Section 131(c)(2)

Period of request: July 1, 2011, to June 30, 2015

Local board approval date(s): Various

FISCAL ANALYSIS (AS APPROPRIATE)

Approval will enable these districts to receive an annual Perkins Act allocation that is listed on attachment 1. The waivers have no significant effect on the distribution of Perkins Act funds statewide.

ATTACHMENT(S)

Attachment 1: List of Districts (1 page)

Attachment 2: Federal Waiver Request Dunsmuir Joint Union (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Federal Waiver Request Summerville Union (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 4: Federal Waiver Request Gridley Unified (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 5: Federal Waiver Request Siskiyou Union (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 6: Federal Waiver Request Fowler Unified (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 7: Federal Waiver Request San Lorenzo Valley Unified (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 8: Federal Waiver Request Modoc Joint Unified (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
U.S. Code, Section 2351(c)(1) and (2) or [P.L. 109-270 Section 131(c)(1) and (2)]

(c) Minimum Allocation
   (1) In general
   Except as provided in Paragraph (2), a local educational agency shall not receive
   an allocation under subsection (a) unless the amount allocated to such agency
   under subsection (a) is greater than $15,000. A local educational agency may
   enter into a consortium with other local educational agencies for the purposes of
   meeting the minimum allocation requirement of this paragraph.
   (2) Waiver
   The eligible agency shall waive the application of paragraph (1) in any case in
   which the local educational agency --
      (A)(i) is located in a rural, sparsely populated area, or
      (ii) is a public charter school operating a secondary school career
          and technical educational program; and
      (B) demonstrates that the local educational agency is unable to enter into
          a consortium for purposes of providing activities under this part (20
          U.S.C.A. § 2351 et seq.)

Background
Participating local education agencies (LEAs) may enter into a consortium with other
agencies for the purposes of meeting the minimum allocation requirement in the above
paragraph. However, in some remote or sparsely populated areas of the state, the
consortium plan is not possible or reasonable. In these cases, the State Board approves
multi-year waivers of the consortium requirement in keeping with (and subject to the
conditions set forth in) the evaluation guidelines below.

The California Department of Education (CDE) Waiver Office has processed many
waivers in the past, all of which were approved by the State Board of Education. CDE
staff ensures that only waiver requests consistent with the evaluation guidelines are
placed on the State Board’s consent calendar for waivers.
Evaluation Guidelines

The LEA is:

- A district or agency will be considered a rural, sparsely populated area if all high schools in the LEA are located in one of the following locale codes (as defined by National Center for Education Statistics (NCES) Locale Codes 31, 32, 33, 41, 42, and 43,

- A district or agency in a rural code 23 may be considered rural if the LEA meets the following criteria
  - located more than five miles from a city with a population of 85,000 or less, and
  - located in a suburb with a population of 7,000 or less, and
  - LEA has a total enrollment of less than 1,000 students district wide, OR

- A public charter school operating secondary vocational and technical education programs (as evidenced by a State Board of Education issued charter number), AND

The LEA:

- Demonstrates that it is unable to enter into a consortium for purposes of providing activities under this section (as evidenced by a description from the LEA or CDE of efforts to enter into a consortium).

These specific waivers shall be granted for no more than four consecutive years as a district’s annual Perkins allocation is expected to be less than the $15,000 minimum grant amount during each year of the approved waiver. A district’s eligibility under the above criteria for the consortium waiver is also expected to remain unchanged for this same time period.

For Information Only
Under SPECIAL RULE, each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.
## Districts Requesting Carl D. Perkins Career and Technical Education Waivers

<table>
<thead>
<tr>
<th>Waiver Number</th>
<th>District</th>
<th>Period of Request</th>
<th>NCES Locale Code</th>
<th>Demographic Information</th>
<th>Perkins Act Allocation</th>
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<tbody>
<tr>
<td>Fed-64-2011</td>
<td>Summerville Union High School District for Summerville High School</td>
<td>July 1, 2011 to June 30, 2015</td>
<td>41</td>
<td>Student population of 420 located in Tuolumne County</td>
<td>$ 8,461</td>
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<td>Fed-65-2011</td>
<td>Gridley Unified School District for Gridley High School</td>
<td>July 1, 2011 to June 30, 2015</td>
<td>41</td>
<td>Student population of 680 located in Butte County</td>
<td>$ 14,023</td>
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<td>Fed-66-2011</td>
<td>Siskiyou Union High School District for Happy Camp, Mt. Shasta, Weed, McCloud, and Jefferson High Schools</td>
<td>July 1, 2011 to June 30, 2015</td>
<td>33 41 42</td>
<td>Student population of 650 located in Siskiyou County</td>
<td>$ 14,894</td>
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<td>Fed-68-2011</td>
<td>Fowler Unified School District for Fowler High School</td>
<td>July 1, 2011 to June 30, 2015</td>
<td>32</td>
<td>Student population of 2389 located in Fresno County</td>
<td>$ 14,843</td>
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<tr>
<td>Fed-69-2011</td>
<td>San Lorenzo Valley Unified School District for San Lorenzo Valley High School</td>
<td>July 1, 2011 to June 30, 2015</td>
<td>41</td>
<td>Student population of 726 located in Santa Cruz County</td>
<td>$ 13,688</td>
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<td>Fed-70-2011</td>
<td>Modoc Joint Unified School District for Modoc High School</td>
<td>July 1, 2011 to June 30, 2015</td>
<td>33</td>
<td>Student population of 247 located in Modoc County</td>
<td>$ 6,749</td>
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</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION  

FEDERAL WAIVER REQUEST  

Carl D. Perkins Program Waiver  

http://www.cde.ca.gov/re/lr/wr/ 

Local educational agency: DUNSMUIR JOINT UNION HIGH SCHOOL DISTRICT for Dunsmuir High School  

Address: 5805 HIGH SCHOOL WAY, DUNSMUIR, CA 96025  

Period of request: (month/day/year) (4 years maximum)  

From: 7/1/11  To: 6/30/15  

Local board approval date: (Required)  

April 13, 2011  

LEGAL CRITERIA  


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.  


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) 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.  

Please document your efforts: renewal approval request # Fed-2-2008-WC-6 7/1/08 to 6/30/11  

4. Demographic Information:  

Dunsmuir Joint Union High School District has a student population of 98 and is located in a rural area in Siskiyou County.  

District or County Certification – I hereby certify that the information provided on this application is correct.  

Signature of Superintendent or Designee:  

Title: Superintendent  

Date: 4/13/11  

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
FEDERAL WAIVER REQUEST Carl D. Perkins Program Waiver
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

Local educational agency: Summerville Union High School District
Name of school(s): Summerville High School

Contact name and Title: Tom Dibble, Vocational Coordinator
John H. Keiter, Superintendent

Contact person’s e-mail address: tdibble@summbears.k12.ca.us

Address: 17555 Tuolumne Rd., Tuolumne, CA 95379-9701

Period of request: (month/day/year) (4 years maximum)
From: 7-1-11 To: 6-30-15

Local board approval date: (Required)
April 12, 2011

LEGAL CRITERIA


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.


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):
23 31 32 33 41 42 43
Per NCES HN Steinmetz 5/26/11

Please document your efforts:

4. Demographic Information:
(District/school/program) has a student population of __420__ and is located in a _rural_ (urban, rural, or small city etc.) in _Tuolumne_ County.

District or County Certification – I hereby certify that the information provided on this application is correct.

Signature of Superintendent or Designee: Title: Superintendent Date: 4-12-2011

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:
**CALIFORNIA DEPARTMENT OF EDUCATION**

**FEDERAL WAIVER REQUEST**

**Carl D. Perkins Program Waiver**

**FW-1 (Rev. 10-2-2009)**  
http://www.cde.ca.gov/re/lr/wr/

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1430 N Street, Room 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: waiver@cde.ca.gov

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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>
</tr>
</thead>
</table>
| Gridley Unified School District | Joan Zappettini, **Principal**  
Clark S. Redfield, **Superintendent**  
530-846-4721 | jzappettini@gusd.org |

<table>
<thead>
<tr>
<th>Name of school(s):</th>
<th>Address:</th>
<th>Phone (and extension, if necessary):</th>
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<tbody>
<tr>
<td>Gridley High School</td>
<td>300 East Spruce Street, Gridley, CA 95948</td>
<td>530-846-0521 ext. 223</td>
</tr>
<tr>
<td></td>
<td>429 Magnolia Street, Gridley, CA 95948-2533</td>
<td>530-846-3412</td>
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<tbody>
<tr>
<td>(month/day/year)</td>
<td>(Required)</td>
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</table>
| From: July 1, 2011 | To: June 30, 2012 2015  
2 | June 22, 2011 |

---

**LEGAL CRITERIA**

1. **Authority for the waiver:** Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).

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.


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.

Please document your efforts: Gridley High School was once in a consortium with Biggs High School and Durham High School. Both Biggs and Durham pulled out of the consortium two years ago.

4. **Demographic Information:**

(District/school/program) has a student population of 680 and is located in a Rural town in Butte County.

**District or County Certification** – I hereby certify that the information provided on this application is correct.

<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>Clark Redfield - Superintendent</td>
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<tr>
<td><strong>Staff Name (type or print):</strong></td>
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<tr>
<td><strong>Unit Manager (type or print):</strong></td>
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<tr>
<td><strong>Division Director (type or print):</strong></td>
</tr>
<tr>
<td><strong>Deputy (type or print):</strong></td>
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</table>
CALIFORNIA DEPARTMENT OF EDUCATION

FEDERAL WAIVER REQUEST

Carl D. Perkins Program Waiver

FW-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, Room 5602
Sacramento, CA 95814

CD CODE

4 7 7 0 4 6 6

Local educational agency:
Siskiyou Union High School District
Name of school(s): Happy Camp, Mt. Shasta, Weed
McCloud, Jefferson High Schools

Contact name and Title:
Mike Matheson/ Superintendent

Contact person’s e-mail address:
mmatheson@sisuhsd.net

Address:
624 Everitt Memorial Hwy
City: Mt. Shasta
State: CA
ZIP: 96067

Phone (and extension, if necessary):
530-926-3006
Fax number: 530-926-3113

Period of request: (month/day/year) (4 years maximum)
From: 7/1/11  To: 6/30/15

Local board approval date: (Required)
June 15, 2011

LEGAL CRITERIA


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.


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.

Please document your efforts:

4. Demographic Information:
Siskiyou Union High School District schools have a total student population of 650 and is located in a town, remote, rural district, rural remote and rural fringe, in Siskiyou County.

District or County Certification – I hereby certify that the information provided on this application is correct.

Signature of Superintendent or Designee:  Title:  Superintendent  Date:  June 15, 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:
CALIFORNIA DEPARTMENT OF EDUCATION
FEDERAL WAIVER REQUEST
FW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

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1430 N Street, Room 5602
Sacramento, CA 95814

Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

Carl D. Perkins Program Waiver

Local educational agency: Fowler Unified School District
Contact name and Title: Janet Torosian-Leaning Director-CTE Coordinator
Eric Cederquist, Superintendent
559-834-6080
Contact person’s e-mail address: jtorosian@fowlerusd.org

Address: 658 East Adams Ave. Fowler 701 E. Main Street Fowler
(City) CA 93625-2111 (State) Calif. 93625 (ZIP)
Phone (and extension, if necessary): 559-834-6160 EXT 4025
Fax number: 559-834-3284

Period of request: (month/day/year) (4 years maximum)
From: July 1, 2011 To: July 1, 2015
Local board approval date: (Required)
June 22, 2011


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.


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.

Please document your efforts: Fowler Unified is a small school district located in a rural area which makes it difficult to enter into a consortium with another school. The funding for the 2011-12 year is only $157.00 short of $15,000 and the time, cost, and the manpower required to enter into a consortium is not feasible.

4. Demographic Information:
Fowler Unified School District has a student population of 2389 and is located in a rural area in Fresno County.

District or County Certification – I hereby certify that the information provided on this application is correct.

Signature of Superintendent or Designee: Title: Superintendent Date: June 17, 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:
**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

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<tr>
<th>Local educational agency:</th>
<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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</thead>
<tbody>
<tr>
<td>San Lorenzo Valley High School <strong>District</strong></td>
<td>Keri Billings- Assistant Principal</td>
<td><a href="mailto:kbilling@slvusd.org">kbilling@slvusd.org</a></td>
</tr>
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<table>
<thead>
<tr>
<th>Address:</th>
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<th>Fax number:</th>
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<tr>
<td>7105 Highway 9, Felton, CA 95018</td>
<td>831 335-4425 ext 112</td>
<td>831 335-1531</td>
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**CD CODE**  
4 4 6 9 8 7 0

**Period of request:**  
From: 7/1/2011  
To: 7/1/2015  
Local board approval date:  
July 6, 2011  
per K. Brewer  
kak 7/8/2011

**Legal Criteria**


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.


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.

Please document your efforts: San Lorenzo Valley High School is located in a rural area and is the only comprehensive high school in the San Lorenzo Unified School District. Our current student population is 726 students serving grades 9-12. The district is 17 miles north of Santa Cruz. There are 3 main towns (Felton, Ben Lomond, Boulder Creek) that feed into the high school. Tourism provides some local jobs, but more than ½ of our parents commute to Santa Cruz or the Silicon Valley. The school district is the largest employer in San Lorenzo Valley.

4. Demographic Information:  
San Lorenzo Valley High School has a student population of 726 and is located in a rural **area in Santa Cruz County.**

**District or County Certification** – **I hereby certify that the information provided on this application is correct.**

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Assistant Superintendent</td>
<td></td>
<td>6/23/2011</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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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
Send electronic copy in Word and  back-up material to: waiver@cde.ca.gov

1430 N Street, Room 5602  Sacramento, CA 95814

Local educational agency:  Modoc Joint Unified School District
Name of school(s):  Modoc High School
Address:  900 N. Main Street  Alturas  CA  96101
Phone (and extension, if necessary):  (530) 233-7201 ext. 401
Fax number:  (530) 233-7306

Period of request:  (month/day/year) (4 years maximum)  7/1/2011 to 6/30/2015
From:  06/01/2011  To:  05/31/2015

Legal Criteria


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.


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.

Perkins funding was below the requirement to maintain a consortium so the consortium dissolved. The Modoc Joint Unified School District is located 100 miles from the nearest city over 10,000 people. MJUSD is expecting to receive $6,715 in Perkins funding for the 2011/12 school year which is necessary to continue operating our CTE programs.

4. Demographic Information:

Modoc High School has a student population of 247 and is located in a rural area in Modoc County.

District or County Certification – I hereby certify that the information provided on this application is correct.

Signature of Superintendent or Designee:  Title:  Date:
Superintendent  June 22, 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:
ITEM W-13
## Specific Waiver

### SUBJECT

Request by Aspire East Palo Alto Charter School under the authority of California Education Code Section 47612.6(a) to retroactively modify the terms of a previous waiver of Education Code Section 47612.5(c) that waived the audit penalty for offering less instructional time in the 2007–08 fiscal year at Aspire East Palo Alto Charter School for students in grade seven (shortfall of 24,030 minutes).

Waiver Number: 49-6-2011

### RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education recommends that the State Board of Education (SBE) deny the waiver request to retroactively modify the terms of a previously granted SBE waiver.

Aspire Palo Alto Charter School was required to offer 78,030 minutes in grade seven for fiscal year 2010-11, and reported that 76,720 minutes were offered. Since Aspire East Palo Alto Charter School did not meet the terms of the original waiver, the school will be required to pay the instructional time penalty of $137,983.

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

Previous specific SBE action with respect to this waiver request is as follows:

In May 2010, the SBE approved a waiver of audit penalties for offering less instructional time than required by Education Code (EC) Section 47612.5 (a) for Aspire East Palo Alto Charter School with the condition that Aspire East Palo Alto Charter School provide the number of minutes that it was short, in addition to the required instructional minutes in grade seven in school years 2010–11 and 2011–12. The request for the waiver was made in October 2009. At the beginning of 2009–10, the requirement for grade seven was 54,000 instructional minutes. Per the approved waiver, Aspire East Palo Alto Charter School was to offer a total of 78,030 (54,000 + 24,030) instructional minutes in grade seven in 2010–11, and a total of 78,030 (54,000 + 24,030) instructional minutes in grade seven in 2011–12.

When the waiver was approved, the required instructional minutes for all grades had
SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION (Cont.)

been reduced pursuant to legislation for fiscal years 2009–10 through, and including 2012-13. The required instructional minutes for grade seven had been reduced from 54,000 to 52,457 minutes.

Aspire East Palo Alto Charter School is requesting that the amount of instructional time it is required to maintain for grade seven in 2010–11 and 2011–12, per its waiver, be consistent with instructional time required by statute plus the amount of time that it needs to make up. This equates to 76,487 (52,457 + 24,030) minutes.

This waiver is eligible for the consent calendar. The school meets the criteria for the SBE Streamlined Waiver Policy, http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving a school Academic Performance Index (API) of 800 or above in the current scoring cycle. Aspire East Palo Alto Charter School has a 2010 API of 882.

SUMMARY OF KEY ISSUES

During an audit of annual instructional minutes for 2007–08, it was discovered that Aspire Public Schools failed to offer the required number of minutes at Aspire East Palo Alto Charter School for grades five, seven, and eight. The shortage occurred because one teacher in grade five, two teachers in grade seven, and two teachers in grade eight did not have valid credentials to teach core subjects in accordance with EC Section 47605 (l). The disallowed minutes were deducted from the total offered, which caused grades five, seven, and eight to have a deficit of 1,605, 24,030, and 16,110 minutes, respectively. In order to correct this problem, the school has agreed to verify documentation prior to hiring any employee.

In May 2010, the SBE approved a waiver of audit penalties for offering less instructional time than required by EC Section 47612.5 (c) for Aspire East Palo Alto Charter School with the condition that Aspire East Palo Alto Charter School provide the number of minutes that it was short, in addition to the required instructional minutes in grade seven in school years 2010–11 and 2011–12. The request for the waiver was made in October 2009. Per the approved waiver, Aspire East Palo Alto Charter School was to offer a total of 78,030 (54,000 + 24,030) instructional minutes in grade seven in 2010–11, and a total of 78,030 (54,000 + 24,030) instructional minutes in grade seven in 2011–12.

When the waiver was approved, statutorily required instructional minutes for grade seven had been reduced from 54,000 to 52,457 minutes and the school is requesting that the previously approved waiver also be modify to reflect the 52,457 annual minute requirement for a total offering of 76,487 (52,457 + 24,030) minutes. The school offered 76,720 minutes in grade seven in 2010–11. The 76,720 minutes offered was short of the 78,030 required by the SBE approved waiver, but is sufficient to meet the requested modification of 76,487 minutes.
SUMMARY OF KEY ISSUES (Cont.)

Aspire East Palo Alto Charter School met the terms of the May 2010 waiver by offering sufficient minutes in grades five and eight.

The Department recommends denial of this waiver request since Aspire East Palo Alto Charter School did not meet the terms of the waiver granted in May 2010. The condition of that waiver clearly stated that the school must offer 78,030 minutes in grade seven. As a result of failing to meet the terms of the waiver, Aspire East Palo Alto Charter School will be required to repay the $137,983 original audit penalty.

Demographic Information: Aspire East Palo Alto Charter School has a student population of 458 and is located in the city of Ravenswood in San Mateo County.

Authority for Waiver: EC Section 47612.6

Period of request: July 1, 2007 to June 30, 2008

Local board approval date(s): July 22, 2011

Bargaining unit(s) consulted on date(s): There are no bargaining units

FISCAL ANALYSIS (AS APPROPRIATE)

2007-08 penalty amount of $137,983 is calculated as follows:

49.32 Average Daily Attendance (ADA) for students in grade seven multiplied by $6,287 (base revenue limit) is equal to $310,074.84.

A 24,030 shortfall of ADA divided by the 54,000 instructional minute requirement is equal to 24.08 percent of minutes not offered.

$310,074.84 multiplied by 24.08 percent is equal to $137,983 penalty if this waiver is not approved.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
CSIMR-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, Suite 5602
Sacramento, CA 95814

Charter Schools
Instructional Minute Requirements
Waiver of Audit Penalty

Send electronic copy in Word and
back-up material to: waiver@cde.ca.gov

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>4 1 6 8 9 9 9</th>
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</table>

Local educational agency:
Aspire East Palo Alto Charter School

Phone contact and Title:
Delphine Sherman, Director of Finance

Contact person’s e-mail address:
delphine.sherman@aspirepublicschools.org

Address:
1001 22nd Avenue, Suite 100
Oakland, CA 94606

Phone (and extension, if necessary):
510-434-5025

From: 7/1/07 To: 6/30/08

Period of request: (month/day/year)

NOTE: Use the fiscal year of the audit finding

Local board approval date: (Required)
October 26, 2009 (Original Waiver)
July 22, 2011 (Revised Waiver)

LEGAL CRITERIA

Authority for the waiver:
Education Code (EC) Section 47612.6. (a) The State Board of Education may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a charter school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for the fiscal year.

1. **Education Code or California Code of Regulations**

Section to be waived: Education Code (EC) Section 47612.5. (c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school’s apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

2. **Required attachments:**

Following is a list of additional documentation to be enclosed with the waiver request.

- Copy of the final audit finding showing penalty amount and shortage information, and your response to the audit finding.
- At least two years worth of proposed bell schedule(s) and school calendar(s) for the required make-up of time, showing all full and partial instructional days, student free days, etc.
- Explain:
  - Why shortage occurred
  - Number of minutes short and what grade levels were affected
  - How many grade levels you serve (to be able to follow affected students for two-years)

Demographic Information:
Aspire East Palo Alto Charter School has a student population of 400 students and is located in East Palo Alto (urban) in San Mateo County.

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>Wayne Hilty</td>
<td>CFO/COO</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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2.

Why shortage occurred
This waiver is a request to modify the existing waiver which was approved by the State Board of Education in March 2010.

Here is the sequence of events:

- In FY 2007/8 Aspire East Palo Alto Charter School had an audit finding for having an uncredentialed teacher in 7th grade, and, therefore, the school was short of the minimum required number of minutes for 7th grade by 24,030 minutes.

- In October 2009 Aspire East Palo Alto Charter School submitted a waiver request to the California Department of Education Waiver Office to add 24,030 minutes to the minimum required minutes for 7th grade in FY 2010/11 and FY 2011/12. At the time the school submitted the waiver, the minimum number of minutes was 54,000 for 7th grade.

- The waiver was approved by the State Board of Education as submitted in March 2010. The chart below shows what the SBE approved in 2010.

- A month before the SBE approved the waiver, the state revised the audit guide showing a reduction in the minimum required instructional minutes for all grades in FY 2009/10 through FY 2011/12. For 7th grade, the minimum number of instructional minutes dropped from 54,000 to 52,457 minutes.

- In FY 2010/11, Aspire East Palo Alto Charter School added 24,030 minutes to the minimum required minutes of 52,457. However, because the waiver was originally written with a minimum required minutes of 54,000, the school is resubmitting the waiver petition. The school has added two weeks to the end of its school year and will have offered 76,500 minutes of instructional time to its 7th graders this year.

Number of minutes short and what grade levels were affected
See chart below

How many grade levels you serve (to be able to follow affected students for two-years)
Aspire East Palo Alto Charter School serves students in K-8. Because the instructional minute penalty in FY 2007/8 was for 7th grade, and the school only serves grades K-8, we are not able to follow the affected students for two years. For this reason, we are asking that the minutes be made up in the 7th grade, which the State Board of Education approved in FY 2009/10 when the original waiver was approved.
### Chart of Instructional Minutes for Waiver - ORIGINAL
Audit Penalty: 2007-08 – East Palo Alto Charter School (Grade K - 8)

<table>
<thead>
<tr>
<th>Audit Year</th>
<th>Grade Level</th>
<th>Affected Students in Later Years 2010-11</th>
<th>Affected Students in Later Years 2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>Grade 7</td>
<td>Required minutes: 54,000</td>
<td>Required minutes: 54,000</td>
</tr>
<tr>
<td></td>
<td>East Palo Alto Charter</td>
<td>Minutes offered: 29,970</td>
<td>Minutes offered: 29,970</td>
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<tr>
<td></td>
<td></td>
<td>Short 24,030 minutes</td>
<td>Short 24,030 minutes</td>
</tr>
<tr>
<td>2008-09</td>
<td>Required for waiver 54,000 + 24,030 = 78,030</td>
<td>Required for waiver 54,000 + 24,030 = 78,030</td>
<td>Required for waiver 54,000 + 24,030 = 78,030*</td>
</tr>
<tr>
<td>2009-10</td>
<td>No make-up provided</td>
<td>No make-up provided</td>
<td>No make-up provided</td>
</tr>
<tr>
<td>2010-11</td>
<td>Grade 7</td>
<td>Affected Students have graduated</td>
<td>Affected Students have graduated</td>
</tr>
<tr>
<td></td>
<td>East Palo Alto Charter</td>
<td>Total Minutes = 78,030</td>
<td>Total Minutes = 78,030</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 1 OK</td>
<td>Year 1 OK</td>
</tr>
<tr>
<td>2011-12</td>
<td>Grade 7</td>
<td>Affected Students have graduated</td>
<td>Affected Students have graduated</td>
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<tr>
<td></td>
<td>East Palo Alto Charter</td>
<td>Total Minutes = 78,030</td>
<td>Total Minutes = 78,030</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 2 OK</td>
<td>Year 2 OK</td>
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</tbody>
</table>

Because in 2008/9 and 2009/10, Grade 8 is making up instructional minutes for deficit minutes in Grade 8 from FY 2007/8, school requests that this instructional minute penalty for Grade 7 be addressed in FY 2010/11 and FY 2011/12.

* School only goes to 8th grade so affected students cannot be followed to 10th or 11th grades.
### Chart of Instructional Minutes for Waiver - REVISED
Audit Penalty: 2007-08 – East Palo Alto Charter School (Grade K - 8)

<table>
<thead>
<tr>
<th>Audit Year</th>
<th>Grade Level</th>
<th>Affected Students in Later Years</th>
<th>Affected Students in Later Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>Grade 7</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>East Palo Alto Charter</td>
<td>Required minutes: 54,000</td>
<td>Minutes offered: 29,970</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Short 24,030 minutes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Required for waiver</td>
<td>Required for waiver</td>
<td>Required for waiver</td>
</tr>
<tr>
<td></td>
<td>52,457 +24,030 = 76,487</td>
<td>52,457 +24,030 = 76,487*</td>
<td>52,457 +24,030 = 76,487*</td>
</tr>
<tr>
<td>2008-09</td>
<td>No make-up provided</td>
<td>No make-up provided</td>
<td>No make-up provided</td>
</tr>
<tr>
<td>2009-10</td>
<td>No make-up provided</td>
<td>No make-up provided</td>
<td>No make-up provided</td>
</tr>
<tr>
<td>2010-11</td>
<td>Grade 7</td>
<td>Affected Students have graduated</td>
<td></td>
</tr>
<tr>
<td></td>
<td>East Palo Alto Charter</td>
<td>Total Minutes being offered this year = 76,500</td>
<td>Year 1 OK</td>
</tr>
<tr>
<td>2011-12</td>
<td>Grade 7</td>
<td>Affected Students have graduated</td>
<td></td>
</tr>
<tr>
<td></td>
<td>East Palo Alto Charter</td>
<td>Total Minutes = 76,487</td>
<td>Year 2 OK</td>
</tr>
</tbody>
</table>

Because in 2008/09 and 2009/10, Grade 8 is making up instructional minutes for deficit minutes in Grade 8 from FY 2007/8, school requests that this instructional minute penalty for Grade 7 be addressed in FY 2010/11 and FY 2011/12.

* School only goes to 8th grade so affected students cannot be followed to 10th or 11th grades.
General Waiver

SUBJECT
Request by King City Union School District to waive California Education Code Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Del Rey Elementary School and Santa Lucia Elementary School.

(Requesting 26.4:1 student ratio on average in core classes in kindergarten, 24.7:1 grade one, 25.1:1 grade two, 28.8:1 grades three and four, and 29.9:1 for grade five at Del Rey Elementary School. Requesting 26.3:1 student ratio on average in core classes in kindergarten, 24.1:1 grade one, 25.9:1 grade two, 28.5:1 grades three and four, and 26.1 for grade five at Santa Lucia Elementary School. Also requesting the following student ratios on average in core classes for the 2011–12 school year at Del Rey Elementary School: kindergarten 20.83, grade one 21.0, grade two 20.50, grade three 20.83, grades four and five 23.0; and Santa Lucia Elementary School kindergarten 23.67, grade one 23.17, grade two 18.67, grade three 21.33, grade four 23.0, and grade five 23.60.)

Waiver Number: 52-4-2011

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the May 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.
SUMMARY OF PREVIOUS (Cont.)

- 10 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

Former SBE President Theodore R. Mitchell stated that the SBE would be willing to entertain specific petitions that meet the spirit of the QEIA regulation by setting absolute caps for average class size that are below the QEIA mandate and applying averages for grade ranges to meet targets that are appropriate given the circumstances at the schools.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including CSR, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act 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 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

King City Union School District (USD) is a rural school district located in Monterey County. Del Rey Elementary School (ES) and Santa Lucia Elementary School (ES) are two of three schools in the district serving kindergarten through grade five. In 2010–11, Del Rey ES served 734 students and Santa Lucia ES served 737 students. 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 at Del Rey ES in kindergarten through grade three is 20.4, and grades four and five are 24.0 and 28.3, respectively. The average size of core classes at Santa Lucia ES in kindergarten through grade three is 20.4, and grades four and five are 24.6 and 26.5, respectively. Thus, the QEIA CSR target at Del Rey ES for kindergarten through grade three is 20.4, and grades four and five are 19.0 and 23.3, respectively. The QEIA CSR target at Santa Lucia ES for kindergarten through grade three is 20.4, and 19.6 and 21.5 for grades four and five, respectively.
SUMMARY OF KEY ISSUES (Cont.)

King City USD states that they were in severe financial duress during the period of November 2007 through October 2009. In order to improve King City USD’s fiscal condition and avoid state receivership, King City USD’s Governing Board took action to eliminate non-Special Education Home to School Transportation, cut custodial staff by fifty percent, and eliminate non-essential support staff. In addition, the Governing Board took action to lay-off thirty-two teachers and this action raised class sizes to 30:1 at all grade levels beginning in the 2009–10 school year. Neither school met the QEIA CSR targets for the 2009–10 school year and will again miss the targets in 2010–11. King City USD claims the larger class sizes did not negatively affect student achievement, as both schools had increases in Academic Performance Index and Adequate Yearly Progress scores during the 2009–10 school year.

King City USD requests a waiver of the QEIA CSR targets for the 2010–11 school year for Del Rey ES and Santa Lucia ES and the establishment of alternative CSR targets as follows:

- For Del Rey ES: 26.4 students per classroom on average in core classes in kindergarten, 24.7 in grade one, 25.1 in grade two, 28.8 in grades three and four, and 29.9 in grade five.
- For Santa Lucia ES: 26.3 students per classroom on average in core classes in kindergarten, 24.1 in grade one, 25.9 in grade two, 28.5 in grades three and four, and 26.1 in grade five.

King City USD also requests a waiver of the QEIA CSR targets for the 2011–12 school year for Del Rey ES and Santa Lucia ES and the establishment of alternative CSR targets as follows:

- For Del Rey ES: 20.83 students per classroom on average in core classes in kindergarten, 21.0 in grade one, 20.50 in grade two, 20.83 in grade three, and 23.0 in grades four and five.
- For Santa Lucia ES: 23.67 students per classroom on average in core classes in kindergarten, 23.17 in grade one, 18.67 in grade two, 21.33 in grade three, 23.0 in grade four, and 23.60 in grade five.

Both Del Rey ES and Santa Lucia ES did not meet the QEIA CSR monitoring requirements in 2009–10 and received formal notification that QEIA funding is subject to termination if any program requirements are found not to have been met in 2010–11 or any subsequent year. QEIA CSR targets have not been met again in 2010–11. Since receiving QEIA funding, class sizes have increased over 2005–06 base year amounts. (See Attachment 4.)

For school year 2009–10 and 2010–11, Del Rey ES received QEIA funding of $455,313 and $472,300, respectively. For school year 2009–10 and 2010–11, Santa Lucia ES received QEIA funding of $464,803 and $467,100, respectively.
SUMMARY OF KEY ISSUES (Cont.)

The Department recommends denial of this request based on two factors: (1) QEIA program requirements were known to the district prior to its decision to apply for program participation; and (2) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools.

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; or (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: King City Union School District has a student population of 2,394 students and is located in Monterey County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 30, 2014

Local board approval date(s): March 16, 2011

Public hearing held on date(s): March 16, 2011

Bargaining unit(s) consulted on date(s): March 10 and 21, 2011

Name of bargaining unit/representative(s) consulted: California School Employees Association, Debbie King, President; King City Elementary Teacher’s Association, Helen Barge, 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: Del Rey Elementary School, Schoolsite Council; Santa Lucia Elementary School, School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: March 11, 2011

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 reduced class size targets based on the statute requirements to stay in the program.

Any school in the program not meeting those targets will risk the loss of future funding. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: School Services of California K–12 Base Revenue Limit Calculator (1 Page) (Original is on file in the SBE Office or the Waiver Office.)

Attachment 3: Enrollment – Primary Status by Subgroup (1 Page) (Original is on file in the SBE Office or the Waiver Office.)

Attachment 4: Class Size Reduction Information for Del Rey Elementary School and Santa Lucia Elementary School (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:  √  
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>King City Union School District</td>
<td>Rory Livingston Assistant Superintendent</td>
<td><a href="mailto:rlivingston@kcusd.org">rlivingston@kcusd.org</a></td>
</tr>
</tbody>
</table>

Address: 435 Pearl Street, King City  California 93930

Phone (and extension, if necessary): 831.385.2232  
Fax Number: 831.386.0372

Period of request: From: July 1, 2009  To: June 30, 2011

Local board approval date: March 16, 2011

Date of public hearing: March 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):  52055.740 (a) (1) A-D  Circle One: EC

   Topic of the waiver: Relief from class size requirements

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  ___ Yes  If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):  March 21, 2011 (KCETA), March 10, 2011 (CSEA)

   Name of bargaining unit and representative(s) consulted:  Helen Barge, President, King City Elementary Teacher’s Assoc., Debbie King, President, California School Employees Association (King City)

   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:  Del Rey School Site Council and Santa Lucia School Site Council

   Date the committee/council reviewed the waiver request:  March 11, 2011 and March 11, 2011 (respectively)

   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 2006-07.

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

(ii) An average of 25 pupils per classroom.

(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.

(D) Not increase any other class sizes in the school above the size used during the 2005-06 school year. If a funded school has a low-enrollment innovative class, it may increase the number of pupils in that class to a number that does not exceed the schoolwide average.
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.

When King City Union School District applied for and won approval of Quality Education Investment Act (QEIA) funding, schools in California were financed on a significantly different basis than they are today or are projected to be in the future. The District is receiving $2,400,000 less in Revenue Limit Income annually than it received during the 2007-08 school year. The King City Union School District operates two regular K-5 Elementary Schools, one K-5 Charter School and one 6-8 Middle School. Both of its regular Elementary Schools receive QEIA funding. These two schools comprise 68% of the District’s General Fund Enrollment. Due to the district’s reduction in Unrestricted Revenues, and the significant number of students participating in the QEIA program, the fiscal resources that were available at the time the district made application for the program, and were anticipated to remain available throughout the years of QEIA funding, no longer exist.

For the period of November, 2007 through October, 2009, the district was in severe financial duress and under AB1200 direct supervision by the Monterey County Office of Education, replete with a Fiscal Advisor, two Fiscal experts and a Fiscal Review by FCMAT. Our financial duress was due partially our own actions, including the sharing of administration with the King City Joint Union High School District. The district’s financial crisis was further compounded by the State’s financial difficulties. The district’s financial problems were determined to be caused by the fact that in the 2007/08 school year, the District had $23.5 million in expenditures, with only $19 million in revenue. In order to improve the district’s fiscal condition and avoid state receivership, the district’s Governing Board in mid-2008/09 took action to eliminate non-Special Ed Home to School Transportation, cut Custodial Staff by 50%, and eliminate non-essential support staff. Additionally, and most significantly, the Governing Board took action lay-off 32 teachers for the following school year. This action raised class sizes to 30:1 at all grade levels beginning in the 2009/10 school year.

Given the parameters of the QEIA formula for CSR, grades K-3 at both Santa Lucia and Del Rey Schools would have to be maintained at 20.4 or below. At Del Rey School, grades 4 and 5 would have to be reduced to class sizes of 19.6 and 21.5, respectively. At Santa Lucia School, grades 4 and 5 would have to be reduced to class sizes of 19.0 and 23.3, respectively. The District, due to its small size and fiscal resources does not have the capacity or flexibility in its Unrestricted General Fund to maintain or reduce class sizes as required in the above referenced Education Code Section. With the flexibility provisions currently in place at the state level for class size reduction, QEIA funding does not approach the full funding of these exceptionally low class sizes.

During the 2008-09 school year, both Del Rey and Santa Lucia Schools met the CSR requirements of QEIA. Neither school met the CSR target for the 2009-10 school year. The larger class sizes did not negatively affect student achievement, as both schools had significant increases in API and AYP scores during the 2009-10 school year. The chart below details the rise in achievement between 2008-09 and 2009-10.

<table>
<thead>
<tr>
<th>School</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>API Growth or (Loss)</td>
<td>AYP Criteria Met</td>
</tr>
<tr>
<td>Del Rey</td>
<td>69 pts.</td>
<td>18 of 20</td>
</tr>
<tr>
<td>Santa Lucia</td>
<td>(32 pts.)</td>
<td>9 of 17</td>
</tr>
</tbody>
</table>

The District believe both QEIA schools are fully capable of meeting all QEIA programmatic goals for student achievement without complying with the CSR provisions contained in this Ed Code Section. Districts have had to be flexible in changing their operations in response to reduced financial resources; it is unfair that the QEIA program expects the District to comply with financial commitment provisions that were conceived during a period of greater abundance. To lose QEIA funding at Del Rey and Santa Lucia Schools would significantly impact the teaching and learning happening for our students.
8. Demographic Information:
   King City Union School District has a student population of 2,394 and is located in rural, Southern Monterey County. 59.1% of our students are English learners and 82.8% of our students are Socio-Economically Disadvantaged.

<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>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<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>
<tbody>
<tr>
<td>(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**

<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>
**2010-11 K-12 Revenue Limits - KING CITY UNION ELEMENTARY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Base Revenue Limit per ADA (A)</th>
<th>Proration Factor (B)</th>
<th>Funded Base Revenue Limit (C) = (A) X (B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-10 Base Revenue Limit</td>
<td>6,090.66</td>
<td>0.81645</td>
<td>4,972.72</td>
</tr>
<tr>
<td>2010-11 COLA per ADA</td>
<td>-24.00</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2010-11 Base Revenue Limit</td>
<td>6,066.66</td>
<td>0.82037*</td>
<td>4,976.91</td>
</tr>
<tr>
<td>Net 2009-10 Funding After per ADA Reduction (Line 1, Column C Minus $252.99)</td>
<td>4,719.73</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dollar Change (Line 3, Column C Minus Line 4, Column C)</td>
<td>257.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Change (Line 5, Column C Divided by Line 4, Column C)</td>
<td>5.45%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*0.82037 = 1 - .17963 (deficit factor)

**2011-12 K-12 Revenue Limits - KING CITY UNION ELEMENTARY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Base Revenue Limit per ADA (A)</th>
<th>Proration Factor (B)</th>
<th>Funded Base Revenue Limit (C) = (A) X (B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11 Base Revenue Limit</td>
<td>6,066.66</td>
<td>0.82037*</td>
<td>4,976.91</td>
</tr>
<tr>
<td>2011-12 COLA per ADA</td>
<td>102.00</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2011-12 Base Revenue Limit</td>
<td>6,168.66</td>
<td>0.80392**</td>
<td>4,959.11</td>
</tr>
<tr>
<td>Net 2010-11 Funded Revenue Limit</td>
<td>4,976.91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dollar Change (Line 3, Column C Minus Line 4, Column C)</td>
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<tr>
<td>Percent Change (Line 5, Column C Divided by Line 4, Column C)</td>
<td>-0.36%</td>
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<tr>
<td>Per ADA Reduction If Tax Extension Fails</td>
<td>330.00</td>
<td></td>
<td></td>
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<tr>
<td>Net Funded Revenue Limit If Tax Extension Fails (Line 3, Column C Minus Line 7, Column C)</td>
<td>4,629.11</td>
<td></td>
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</tbody>
</table>

*0.82037 = 1 - .17963 (deficit factor)

**0.80392 = 1 - .19608 (deficit factor)
### CALPADS Enrollment - Primary Status by Subgroup

**Academic Year:** 2010-2011  
**View:** Snapshot  
**As Of:** 06/22/10  
**School Type:** ALL  
**Level:** ALL  
**Last Updated:** 01/12/2011  
**Transaction ID:** 000000000000

<table>
<thead>
<tr>
<th>School Code</th>
<th>School Name</th>
<th>Primary Subgroups</th>
<th>English Learners</th>
<th>Dual Language Learners</th>
<th>Gifted and Talented Education</th>
<th>Title I Part C</th>
<th>Special Education</th>
<th>ELP (EL-D) - SnapSHOn</th>
<th>School-Economically Disadvantaged</th>
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<tbody>
<tr>
<td>07010154</td>
<td>Dierdre Plaza Middle</td>
<td></td>
<td>250</td>
<td>56</td>
<td>23</td>
<td>76</td>
<td>76</td>
<td>415</td>
<td>613</td>
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<td>01007777</td>
<td>Val Leigh Elementary</td>
<td></td>
<td>456</td>
<td>30</td>
<td>3</td>
<td>60</td>
<td>76</td>
<td>76</td>
<td>697</td>
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<td>01007900</td>
<td>King City Arts Center</td>
<td></td>
<td>51</td>
<td>2</td>
<td>0</td>
<td>14</td>
<td>20</td>
<td>51</td>
<td>604</td>
</tr>
<tr>
<td>02041552</td>
<td>Pacific junior High</td>
<td></td>
<td>448</td>
<td>32</td>
<td>4</td>
<td>58</td>
<td>62</td>
<td>62</td>
<td>676</td>
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<tr>
<td>TOTAL-attended Schools</td>
<td></td>
<td></td>
<td>2428</td>
<td>1051</td>
<td>86</td>
<td>30</td>
<td>248</td>
<td>271</td>
<td>1968</td>
</tr>
</tbody>
</table>

**Grades:**  
- Kindergarten  
- First Grade  
- Second Grade  
- Third Grade  
- Fourth Grade  
- Fifth Grade  
- Sixth Grade  
- Seventh Grade  
- Eighth Grade  
- Ninth Grade  
- Tenth Grade  
- Eleventh Grade  
- Twelfth Grade  
- Kindergarten, LD-Ungraded Elementary  
- Kindergarten, LD-Ungraded Secondary  
- Kindergarten, LD-Ungraded HS

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This report is confidential and use is restricted to authorized individuals.  
The data on this report is filtered by the user selections that appear on the last page of this report.

Page 1 of 1
### Class Size Reduction Information for Del Rey Elementary School and Santa Lucia Elementary School

<table>
<thead>
<tr>
<th>Grade</th>
<th>2005-06</th>
<th>QEIA CSR Target</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2005-06</th>
<th>QEIA CSR Target</th>
<th>2009-10</th>
<th>2010-11</th>
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</thead>
<tbody>
<tr>
<td>Grade 1</td>
<td>20.40</td>
<td>20.40</td>
<td>26.15</td>
<td>24.70</td>
<td>20.40</td>
<td>20.40</td>
<td>27.06</td>
<td>24.10</td>
</tr>
<tr>
<td>Grade 2</td>
<td>20.40</td>
<td>20.40</td>
<td>25.25</td>
<td>25.10</td>
<td>20.40</td>
<td>20.40</td>
<td>25.10</td>
<td>25.90</td>
</tr>
<tr>
<td>Grade 3</td>
<td>20.40</td>
<td>20.40</td>
<td>28.12</td>
<td>28.80</td>
<td>20.40</td>
<td>20.40</td>
<td>27.90</td>
<td>28.50</td>
</tr>
<tr>
<td>Grade 4</td>
<td>24.00</td>
<td>19.00</td>
<td>30.42</td>
<td>28.80</td>
<td>24.60</td>
<td>19.60</td>
<td>30.49</td>
<td>28.50</td>
</tr>
<tr>
<td>Grade 5</td>
<td>28.30</td>
<td>23.30</td>
<td>30.24</td>
<td>29.90</td>
<td>26.50</td>
<td>21.50</td>
<td>31.92</td>
<td>26.10</td>
</tr>
</tbody>
</table>

Schools participating in QEIA were monitored by their county offices of education for compliance with CSR requirements for the first time at the end of the 2008-09 school year and were required to demonstrate one-third progress toward full implementation of CSR requirements. Monitoring for compliance with second-year CSR requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009-10 school year. Schools found to have not met all program requirements by the end of the 2010-11 school year will face funding termination.

Both Schools met one-third progress for full implementation of QEIA CSR requirements in 2008-09.
Both Schools did not meet two-thirds progress for full implementation of QEIA CSR requirements in 2009-10.
Both School will not meet the full implementation requirements of QEIA CSR in 2010-11.

Prepared by the California Department of Education
Revised on August 22, 2011
California Department of Education  
Executive Office  
SBE-005 General (REV. 10/2009)  

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION  
SEPTEMBER 2011 AGENDA  

General Waiver  

SUBJECT  
Request by Round Valley 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Round Valley Elementary School (requesting to average class sizes to 20:1 for grades four through eight as opposed to meeting individual grade level class sizes).  

Waiver Number: 9-6-2011  

RECOMMENDATION  

Approval  
Approval with conditions  
Denial  

The California Department of Education (CDE) recommends approval with the following conditions: (1) This waiver applies only to classes in grades four through eight at Round Valley Elementary School (ES); (2) Round Valley ES must reduce the average class sizes for grades four through eight so the class size average does not exceed 20.0 students at the school level in core classes in the 2010–11 school year and in all subsequent years in which the school receives Quality Education Investment Act (QEIA) funding; and (3) Within 30 days of approval of this waiver, Round Valley Unified School District (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 class size reduction (CSR) requirement.  

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION  

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the QEIA to the SBE. Of that number:  

- 30 were related to QEIA CSR requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.  

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.  

Revised: 9/1/2011 4:07 PM
SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including CSR, for the first time at the end of the 2008–09 school year. They 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 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.

Round Valley USD is a rural school district located in Mendocino County and has a student population of approximately 400 students. Round Valley ES serves students in grades kindergarten through eight. Round Valley USD 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 four through eight ranged from 14.0 to 25 students.

Round Valley USD states because of Round Valley ES’s low academic performance, the Round Valley ES School Site Council and Round Valley USD determined that Round Valley USD would provide instruction in single grade level class configurations which does not include combination classes. Round Valley USD believes that this configuration will maximize grade level instruction time. The result of the CSR limits imposed through QEIA and Round Valley ES and Round Valley USD instructional decisions have led to the development of class sizes that are too small to be able to maintain fiscally.

Round Valley USD is asking that Round Valley ES be allowed to average class sizes for grade four through eight as opposed to meeting individual grade level class sizes as determined by the formula developed through QEIA. The class size average for grades four through eight would not exceed 20.0 students per class, the average of the current Quality Education Investment Act individual grade class size limit. Round Valley USD believes approving this waiver request would meet the spirit of the QEIA legislation to significantly reduce class sizes, while also allowing sufficient flexibility for Round Valley ES to address individual grade level class size fluctuations.
The Department supports Round Valley USD’s request to average class sizes for grades four through eight to meet its CSR target. This alternative method would be consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.

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; or (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: Round Valley Elementary School has a student population of 208 and is located in the isolated, rural community of Covelo in Mendocino County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 29, 2012

Local board approval date(s): March 17, 2011

Public hearing held on date(s): March 17, 2011

Bargaining unit(s) consulted on date(s): March 14, 2011

Name of bargaining unit/representative(s) consulted: Round Valley Teacher’s Association, Rob Ruiz, President; Joe Russ, 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 Covelo Post Office;
- Keith’s Market; Round Valley Indian Tribes; Round Valley Indian Health Center; Round Valley Indian Housing Authority, TANF; Yuki Trails
Advisory committee(s) consulted: Round Valley Elementary School Site Council

Objections raised (choose one): ☑ None  ☐ Objections are as follows:

Date(s) consulted: March 15, 2011

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 reduced class size targets based on the statute to stay in the program.

Any school in the program not meeting those targets will risk the loss of future funding. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or 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

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>2</th>
<th>3</th>
<th>6</th>
<th>5</th>
<th>6</th>
<th>0</th>
<th>7</th>
</tr>
</thead>
</table>

Local educational agency: Round Valley Unified School District

Contact name and Title:  kak 6/11/2011 Christine Thomas, Superintendent/ State Trustee

Contact person’s e-mail address: cloythomas@mcoe.us

Address: P.O. Box 276 Covelo CA 95428

Phone (and extension, if necessary): (707) 983-6171 X103

Fax Number: (707) 983-8059

<table>
<thead>
<tr>
<th>Period of request: (month/day/year)</th>
<th>From: 3/1/11</th>
<th>To: 06/30/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of public hearing: (Required)</td>
<td>March 17, 2011</td>
<td></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 : 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.

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): March 14, 2011

Name of bargaining unit and representative(s) consulted:

Round Valley Teacher’s Association  Rob Ruiz/Joe Russ

President/Vice President  kak 6/8/2011

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) Covelo Post Office; Keith’s Market; Round Valley Indian Tribes; Round Valley Indian Health Center; Round Valley Indian Housing Authority; TANF; Yuki Trails

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Round Valley Elementary School Site Council

Date the committee/council reviewed the waiver request: March 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*).

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:

- **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:**

   Round Valley Elementary School has a K-8 student population of 208 and is located in the isolated, rural community of Covelo in Mendocino 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>
<tbody>
<tr>
<td>(If yes, please attach explanation or copy of audit finding)</td>
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<table>
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<tr>
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<tr>
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</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>
<tbody>
<tr>
<td>Christine Thomas</td>
<td>Superintendent/ State Trustee</td>
<td>March 18, 2011</td>
</tr>
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

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Round Valley Elementary School  
Attachment to Waiver: Item 7: Desired outcome/rationale.

Round Valley Elementary School is a rural K-8 school located in the physically isolated community of Covelo, CA. During the year prior to QEIA funding (2006-07), the school offered a single class at each grade level. At that time, the base average class size, as calculated for QEIA class size reduction targets was:

- 4th grade: 32 students
- 5th grade: 23 students
- 6th grade: 37 students
- 7th grade: 19 students
- 8th grade: 22 students

Following the formula to 1) reduce class size to 5 students fewer than the base year average per classroom per grade (class sizes less than 30) or reduce class sizes to 25 (class sizes of 30 or more), class size reduction targets to be met by 2010-11 were set at the following:

- 4th grade: 25 students
- 5th grade: 18 students
- 6th grade: 25 students
- 7th grade: 14 students
- 8th grade: 18 students

Average class size, grades 4-8 = 20.0 students

Because of Round Valley Elementary School’s low academic performance, the Round Valley Elementary School Site Council and the District determined that the District would provide instruction in single grade level class configurations which does not include combination classes. The District believes that this configuration will maximize grade level instructional time. The result of the CSR limits imposed through QEIA and the school and district instructional decisions have led to the development of class sizes that are too small to be able to maintain fiscally.

The District is asking that Round Valley Elementary School be allowed to average class sizes for grade 4-8 as opposed to meeting individual grade level class sizes as determined by the formula developed through QEIA. The class size average for grades 4-8 would not exceed 20.0 students/class, the average of the current QEIA individual grade class size limit. We believe approving this waiver request would meet the heart of the QEIA legislation to significantly reduce class sizes, while also allowing sufficient flexibility for the school to address individual grade level class size fluctuations.

History of Class Size Averages (Grade 4-8) 2006-2011:

<table>
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<tr>
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ITEM W-16
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

☐ General Waiver

SUBJECT

Request by Sacramento City 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, that this funded school reduce its class sizes by an average of five students per class by the end of the 2010–11 school year at Luther Burbank High School (requesting 18.6:1 ratio on average in core classes in grade nine).

Waiver Number: 11-4-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: (1) This waiver applies only to classes in grade nine at Luther Burbank High School (HS); (2) Luther Burbank HS must reduce the average class size at the school level to 18.6 students per classroom in core classes in grade nine in the 2010–11 school year and in all subsequent years in which the school receives Quality Education Investment Act (QEIA) funding; and (3) Within 30 days of approval of this waiver, Sacramento City Unified School District (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 class size reduction (CSR) requirement.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the QEIA to the SBE. Of that number:

- 30 were related to QEIA CSR requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.
- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.
SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including CSR, for the first time at the end of the 2008–09 school year. They 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.

Quality Education Investment Act 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.

Sacramento City USD is an urban school district in Sacramento County and has a student population of approximately 47,897 students. Luther Burbank HS serves students in grades nine through twelve. Sacramento City USD 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 grades nine through twelve range from 15.6 to 22.18 students.

Sacramento City USD states that Luther Burbank HS had already been implementing state and federal CSR programs to get the grade nine base level of 20.6. Luther Burbank HS did not anticipate that state and federal CSR funds would end nor did they anticipate that Sacramento City USD would increase the class size ratio funding formula resulting in fewer general fund teachers being allocated to the site. The QEIA funds, without the additional funding or formula assistance, have served to significantly reduce class size but not to the required goal of 15.6 for grade nine.

Sacramento City USD requests a waiver of the QEIA CSR target for grade nine and establishment of an alternative CSR target of 18.6 on average in core classes in grade nine.

The Department supports Sacramento City USD’s request to reduce its CSR target. This alternative target would be consistent with the intent of QEIA to ensure that students at funded schools benefit from lower class sizes.
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; or (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: Luther Burbank HS has a student population of 1,966 and is located in an urban area in Sacramento County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 29, 2012

Local board approval date(s): June 2, 2011

Public hearing held on date(s): June 2, 2011

Bargaining unit(s) consulted on date(s): March 25, 2011

Name of bargaining unit/representative(s) consulted: Sacramento City Teachers Association, Linda Tuttle, 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 Sacramento City Unified School District Website and Main Office

Advisory committee(s) consulted: Luther Burbank School Site Council

Objections raised (choose one): ☑ None  ☐ Objections are as follows:

Date(s) consulted: March 7, 2011
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 reduced class size targets based on the statute to stay in the program.

Any school in the program not meeting those targets will risk the loss of future funding. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or 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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<th>Contact name and Title:</th>
<th>Contact person’s e-mail address:</th>
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<tr>
<td>Sacramento City Unified School District</td>
<td>Ted Appel, Principal. L Burbank HS Mary Hardin Young, Asst. Supt.</td>
<td><a href="mailto:appelt@sac-city.k12.ca.us">appelt@sac-city.k12.ca.us</a> <a href="mailto:mary-hardinyoung@sac-city.k12.ca.us">mary-hardinyoung@sac-city.k12.ca.us</a></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)  5/18/11 jb  Circle One: EC or CCR

Topic of the waiver: QEIA average class size for 9th grade students.

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): March 25, 2011

Name of bargaining unit and representative(s) consulted: Sacramento City Teachers Association/Linda Tuttle, Pres.

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)  SCUSD Website and Main Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Luther Burbank School Site Council

Date the committee/council reviewed the waiver request: March 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).

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.

   (C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

      (i) At least five pupils fewer per classroom than was the average in 2006-07.

      (ii) An average of 25 pupils per classroom.

      (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 school-site. 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.

   (D) Not increase any other class sizes in the school above the size used during the 2005-06 school year. If a funded school has a low-enrollment innovative class, it may increase the number of pupils in that class to a number that does not exceed the school-wide average.
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.

Desired Outcome: To continue to receive QEIA funds to achieve all academic goals of the QEIA grant.

Rationale: The QEIA Grant requires participating schools to reduce class size averages in the math, science, English and social science classes at each grade level to a maximum of twenty five or reduce the average by five, whichever is lower. Luther Burbank has achieved that threshold at the 10th grade (20.55) 11th grade (21.52) and 12th grade (22.18) levels. While the school has reduced the average class size in 9th grade from 20.6 to 17.6 for the 2010-2011 school year, we do not have sufficient funds to reach the required 15.6 average.

The very low 9th grade threshold of 15.6 is due to the fact that the school had already been implementing state and federal class size reduction money to get to the 20.6 base level. The school did not anticipate that state and federal CSR funds would end nor did we anticipate that the school district would increase the class size ratio funding formula resulting in fewer general fund teachers being allocated to the site. The QEIA funds, without the additional funding or formula assistance, have served to significantly reduce class size but not to the required goal of 15.6 for 9th grade classes.

Luther Burbank High School is committed to continued implementation of the QEIA program, in which significant gains on the API have already been realized. The school is requesting that the State Board of Education support the school’s efforts, and allow for an adjusted ninth-grade QEIA target of 18.6.

8. Demographic Information:
Luther Burbank High School has a student population of 32% Hispanic, 42% Asian, 17% African American, 9% Other. 45% English Learner, 84.3% Low Income and is located in an Urban Area, in Sacramento County.

| Is this waiver associated with an apportionment related audit penalty? (per EC 41344) | No ☒ Yes ☐ |
| Is 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: |
ITEM W-17
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT

Request by Los Angeles Unified School District to waive California Education Code Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from San Fernando Middle School and Lincoln High School to follow identified students who will be transferring to San Fernando Institute of Applied Learning and Leadership in Entertainment and Media Arts to ensure that they will not lose the benefits of the Quality Education Investment Act.

Waiver Number: 71-10-2010

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved and 3 were approved with conditions, and 2 were withdrawn.

The SBE approved two similar funds expenditure requirement waivers requested by the Los Angeles Unified School District (USD) for Roosevelt High School (HS) at its March 2010 meeting. The first waiver allowed the QEIA funding to follow students transferring from the QEIA-funded Roosevelt HS to new schools on the same Roosevelt HS campus; the second waiver allowed the QEIA money from Roosevelt HS to follow the students to Mendez Learning Center through 2014.
SUMMARY OF PREVIOUS (Cont.)

The SBE approved a waiver requested by the Los Angeles USD for Alain LeRoy Locke Charter High School (Locke Charter HS) at the May 2009 SBE meeting. That waiver allowed QEIA funding to follow students transferring from the QEIA-funded Locke Charter HS to new schools on the same Locke Charter HS campus through 2014.

The SBE also approved a request concerning 16 Los Angeles USD schools in January 2009, with no action taken, and for a second time at its March 2009 meeting. In March, a motion to deny the waiver failed and the waiver was automatically granted under EC 33052 because the SBE did not take formal action on the waiver within two meetings. This waiver was renewed by the SBE in March of 2010, and is now applicable through 2014.

SUMMARY OF KEY ISSUES

San Fernando Middle School (MS) and Lincoln High School (HS) were chosen to participate in the QEIA program in 2006–07 with a population of approximately 1,659 students and 2,760 students, respectively. The students have been in the program since that time. This waiver is not requesting a change in the class size targets. However, the district states that it is meeting its targets satisfactorily.

The Los Angeles USD has stated that in the 2010–11 school year, it opened two small schools: (1) San Fernando Institute of Applied Learning and (2) Leadership in Entertainment and Media Arts. The Los Angeles USD is requesting that QEIA funds be allowed to follow approximately 400 students transferring from San Fernando MS to San Fernando Institute of Applied Learning, and approximately 430 students transferring from Lincoln HS to Leadership in Entertainment and Media Arts. The Los Angeles USD states that all students transferring to either San Fernando Institute of Applied Learning or Leadership in Entertainment and Media Arts are covered by QEIA funding at San Fernando MS and Lincoln HS.

The Department recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils as described in EC Section 33051(a)(1). Allowing new schools to enter the program would potentially allow San Fernando MS and Lincoln HS to continue in the program when it is questionable whether either school will meet the 2010–11 API growth requirements of QEIA. If the QEIA API growth targets are not met in 2010-11, both schools will be terminated from the program; however, both schools will receive funding through the 2011–12 school year. (See Attachment 2.)

Quality Education Investment Act program requirements preclude new schools from participating in the program primarily due to the fact that a large number of schools that originally applied for participation had been excluded from the program due to funding limitations.

Additionally, the program has specific timelines for participation, and adding schools at this late date compacts that timeline and limits the ability of the new schools to

Revised: 9/1/2011 4:07 PM
demonstrate their success in the program. Schools that do not meet program
requirements stand to lose future QEIA funding, so these new schools would only
benefit from QEIA participation for a short time if they are unable to successfully
implement the program within the truncated timeline.

Further, due to the fact that QEIA funding is limited, approval of this waiver request
would require that the state limit funding for San Fernando MS, Lincoln HS, San
Fernando Institute of Applied Learning, and Leadership in Entertainment and Media Arts
to the level that has been currently provided to San Fernando MS and Lincoln HS.
Unanticipated growth at the schools could encroach on the program’s capacity to meet
its statewide funding requirements.

Demographic Information: Los Angeles Unified School District has a student
population of 678,441 and is located in an urban area in Los Angeles County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 30, 2014

Local board approval date(s): November 16, 2010

Public hearing held on date(s): November 16, 2010

Bargaining unit(s) consulted on date(s): October 26, 2010

Name of bargaining unit/representative(s) consulted: United Teachers Los Angeles
(UTLA), Gregg Solkovits

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate): None

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: District English Learner Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: October 28, 2010
FISCAL ANALYSIS (AS APPROPRIATE)

Denial of this waiver will disallow QEIA funds from being distributed to the San Fernando Institute of Applied Learning School or to Leadership in Entertainment and Media Arts. Based on 2010–11 QEIA funding projections, approximately $790,000 will be returned to the state.

FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

Statutory language requires that this funding be redistributed to other QEIA programs. However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 Pages) (Original waiver request is signed and on file in the SBE Office or in the Waiver Office.)

Attachment 2: Academic Performance Index Growth for San Fernando Middle School and Lincoln High School (1 Page)
### Local educational agency:
**Los Angeles Unified School District on Behalf of San Fernando Institute of Applied Media, and Leadership in Entertainment & Media Arts**

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### Contact name and Title:
Parker Hudnut – Executive Director, Innovation & Charter Schools Division

### Contact person’s e-mail address:
Parker.hudnut@lausd.net

### 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): **Section 52055.750.(a)** One: **EC or CCR**

   **Topic of the waiver:** **QEIA Funds Follow the Child**

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):** 10/26/10

   **Name of bargaining unit and representative(s) consulted:** *United Teachers Los Angeles (UTLA)*, Gregg Solkovits

   **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: **District English Learner Advisory Committee**

   **Date the committee/council reviewed the waiver request:** 10/28/10

   **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**).

   Section 52055.750.(a) Ensure that the fund received on behalf of funded schools are expended on that school, except that during the first partial year of funding districts may use funding under this article for facilities necessary to meet the class size reduction requirements of this article, if all funds are spent on funded schools within the 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.

   This waiver is to request that funds from **2 QEIA schools, San Fernando MS and Lincoln HS**, follow the students to two small autonomous schools that opened in 2010-2011, **San Fernando Institute of Applied Media (SFIAM) and Leadership in Entertainment & Media Arts (LEMA)**, respectively. The two small schools continue to serve the same student body and the same attendance area of the 2 QEIA schools prior to 2008-09. These new small schools intend to apply for their own CDS code on 2011-2012, without a waiver request the students who transfer to these school will lose the benefit of the QEIA program in which the funds were originally intended for.

   **Expected Outcome:** QEIA funding will be allocated to the small schools with new CDS codes and allow students to continue to benefit from the program. The state would not incur any additional costs as these students are currently attending QEIA funded schools.

   **See attached additional information**

8. Demographic Information:
   The Los Angeles Unified School District has a student population of 678,441 and is located in an urban area in Los Angeles 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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</strong></td>
<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.

| **Signature of Superintendent or Designee:** | **Title:** Executive Director, Innovation & Charter Schools | **Date:** |

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
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<tr>
<th><strong>Staff Name (type or print):</strong></th>
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<th><strong>Date:</strong></th>
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<tr>
<td><strong>Deputy (type or print):</strong></td>
<td><strong>Deputy Signature:</strong></td>
<td><strong>Date:</strong></td>
</tr>
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</table>
A Proposal for Granting LAUSD a QEIA Funding Waiver
For 2 New Small Schools (#2)

BACKGROUND

The Los Angeles Unified School District (LAUSD) is requesting a waiver that would allow the QEIA funding to continue for students who are transferring to 2 new small schools.

San Fernando Institute of Applied Media (SFIAM) and Leadership in Entertainment & Media Arts (LEMA) are 2 new small schools serving the same student population as San Fernando MS and Lincoln HS (Both QEIA Schools), respectively. Both new schools participated in the first round of the District’s Public School Choice Resolution, an initiative voted on by the Los Angeles Unified School District’s Board of Education that calls for innovative and strong instructional plans that will address the unique instructional needs of the students in the school’s community. The resolution seeks to support transformation efforts that are grounded in research, strong parent-community engagement, and clear accountabilities. It also follows the mandate set in place by No Child Left Behind (NCLB), which requires LEAs to take dramatic action to improve chronically underperforming schools.

We are requesting a waiver to allow funds to follow approximately 400 students transferring from San Fernando MS to San Fernando Institute of Applied Media (SFIAM) and for 430 students transferring from Lincoln HS to Leadership in Entertainment & Media Arts (LEMA). SFIAM and LEMA opened in 2010-2011, serving 100% of the same population of students in San Fernando MS and Lincoln HS. These schools plan to apply for their own CDS codes in the spring of 2011. Both schools serve a large number of students requiring academic support in ELA proficiency and around 90% of their population coming from socio-economically disadvantaged families. These students deserve choices in opportunities for quality education since their educational needs are complex. With a smaller, personalized learning environment their chances for success increase as teachers are better able to respond to their needs. Moreover, we believe that this is in line with the intent of QEIA legislation to improve the quality of academic instruction and academic achievement in schools serving high poverty students.

QEIA program requirements will be maintained for these schools using baseline data from the originating schools in order to measure annual benchmark goals. Since both schools will be composed of the same QEIA students, baseline determinations for class size reduction will be similar to the originating school. With regards to baseline teacher experience, the District has established a Teacher Experience Index (TEI) of 95% for all LAUSD schools, thereby meeting the goal set by the state. According to the End of Year Report submitted by the Los Angeles County Office of Education (LACOE) to the California Department of Education (CDE), all LAUSD QEIA schools met the TEI; therefore the District believes this should no longer be an issue. Furthermore, this will continue to be monitored for all QEIA schools by the Human Resources Department to ensure they continue to meet TEI requirements.

The state would not incur any additional costs as students come from the same attendance boundaries. A reduction in QEIA funding from the originating school is offset by the flow of funds to the new school receiving those same students. Additionally, these small schools follow a school model utilizing a personalized learning environment that keeps enrollment small.

These schools will continue to incorporate their accountability and implementation plans into their Single Plans. Furthermore, the District will ensure accountability for these schools in partnership with LACOE.
# Academic Performance Index Growth for San Fernando Middle School and Lincoln High School

<table>
<thead>
<tr>
<th>SCHOOL</th>
<th>BASE API</th>
<th>DECILE RANK</th>
<th>GROWTH TARGET</th>
<th>API TARGET</th>
<th>GROWTH POINTS MADE</th>
<th>GROWTH API</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAN FERNANDO MIDDLE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008-09</td>
<td>627</td>
<td>1</td>
<td>9</td>
<td>636</td>
<td>-3</td>
<td>624</td>
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<tr>
<td>2009-10</td>
<td>622</td>
<td>1</td>
<td>9</td>
<td>631</td>
<td>7</td>
<td>629</td>
<td>DID NOT MEET GROWTH</td>
</tr>
<tr>
<td>2010-11</td>
<td>629</td>
<td>1</td>
<td>9</td>
<td>638</td>
<td>TBD</td>
<td>TBD</td>
<td>INFORMATION NOT AVAILABLE UNTIL AUGUST 2011</td>
</tr>
<tr>
<td>TOTAL</td>
<td>27</td>
<td></td>
<td></td>
<td>4</td>
<td></td>
<td></td>
<td>NEED 24 POINT GROWTH IN 2010-11 TO MEET QEIA API REQUIREMENTS</td>
</tr>
</tbody>
</table>

| LINCOLN HIGH SCHOOL   |          |             |               |            |                    |            |                                               |
| 2008-09               | 609      | 2           | 10            | 619        | -22                | 587        | DID NOT MEET GROWTH                           |
| 2009-10               | 588      | 1           | 11            | 599        | 27                 | 615        | MET GROWTH POINTS                             |
| 2010-11               | 616      | 1           | 9             | 625        | TBD                | TBD        | INFORMATION NOT AVAILABLE UNTIL AUGUST 2011  |
| TOTAL                 | 30       |             |               | 5          |                    |            | NEED 26 POINT GROWTH IN 2010-11 TO MEET QEIA API REQUIREMENTS |

## QEIA Calculation of API Growth Target:

A SCHOOL'S GROWTH TARGETS IN 2008-09, 2009-10, AND 2010-11 ARE SUMMED AND DIVIDED BY THREE, THEN COMPARED TO THE GROWTH SCORES ALSO SUMMED OVER THE SAME TIME FRAME AND DIVIDED BY THREE. IF THE AVERAGED GROWTH SCORE IS GREATER THAN THE AVERAGED GROWTH TARGET, IT HAS MET THE REQUIREMENT FOR THE FIRST THREE YEARS OF FULL FUNDING.

Prepared by the California Department of Education
Revised on August 22, 2011
ITEM W-18
General Waiver

SUBJECT

Request by Herber Elementary School District to waive California Education Code Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from Herber Elementary School to follow identified students who will be transferring to one new school, Dogwood Elementary School to ensure that they will not lose the benefits of the Quality Education Investment Act.

Waiver Number: 36-6-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved and 3 were approved with conditions, and 2 were withdrawn.

The SBE approved two similar funds expenditure requirement waivers requested by the Los Angeles Unified School District (USD) for Roosevelt High School (HS) at its March 2010 meeting. The first waiver allowed the QEIA funding to follow students transferring from the QEIA-funded Roosevelt HS to new schools on the same Roosevelt HS campus; the second waiver allowed the QEIA money from Roosevelt HS to follow the students to Mendez Learning Center through 2014.
SUMMARY OF PREVIOUS (Cont.)

The SBE approved a waiver requested by the Los Angeles USD for Alain LeRoy Locke Charter High School (Locke Charter HS) at the May 2009 SBE meeting. That waiver allowed QEIA funding to follow students transferring from the QEIA-funded Locke Charter HS to new schools on the same Locke Charter HS campus through 2014.

The SBE also approved a request concerning 16 Los Angeles USD schools in January 2009, with no action taken, and for a second time at its March 2009 meeting. In March, a motion to deny the waiver failed and the waiver was automatically granted under EC 33052 because the SBE did not take formal action on the waiver within two meetings. This waiver was renewed by the SBE in March of 2010, and is now applicable through 2014.

SUMMARY OF KEY ISSUES

The Heber ESD states that it operated as a single school district serving students in kindergarten through grade eight (K–8) until January 3, 2011. On that date, Heber ESD opened its second school due to overcrowded conditions at Heber Elementary School (ES). As a result of this, approximately 520 kindergarten through grade three (K–3) students were transferred to Dogwood ES leaving 630 grade four through eight students at Heber ES. Heber ESD states that if QEIA funding is based solely on the enrollment of Heber ES, that dollar amount will not generate enough funds to cover the salaries and benefits of teachers who were hired under the QEIA program to reduce class sizes in grades four through eight.

The Department recommends denial because its approval would not adequately address the educational needs of pupils as described in EC Section 33051(a)(1).

Quality Education Investment Act program requirements preclude new schools from participating in the program primarily due to the fact that a large number of schools that originally applied for participation had been excluded from the program due to funding limitations.

Additionally, the program has specific timelines for participation, and adding schools at this late date compacts that timeline and limits the ability of the new schools to demonstrate their success in the program. Schools that do not meet program requirements stand to lose future QEIA funding, so these new schools would only benefit from QEIA participation for a short time if they are unable to successfully implement the program within the truncated timeline.

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
SUMMARY OF KEY ISSUES (Cont.)

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; or (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: Heber Elementary School District has a student population of 1,146, and is located in a rural area in Imperial County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 30, 2014

Local board approval date(s): June 13, 2011

Public hearing held on date(s): June 13, 2011

Bargaining unit(s) consulted on date(s): May 10, 2011

Name of bargaining unit/representative(s) consulted: Heber Teachers Association, Elena Maciel, President; Michael Arzaga and Sonia Montano, Labor Negotiations

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 Notices placed at three different public places in addition to the two schoolsites

Advisory committee(s) consulted: Heber Schoolsite Council

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: June 7, 2011

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 reduced class size targets based on the statute to stay in the program.
FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

Any school in the program not meeting those targets will risk the loss of future funding. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or 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:  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 | 3 | 6 | 3 | 1 | 3 | 1 |

<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>Heber Elementary School District</td>
<td>Jaime Silva, Superintendent</td>
<td><a href="mailto:jaimes@hesdk8.org">jaimes@hesdk8.org</a></td>
</tr>
</tbody>
</table>

Address:  
1052 Heber Avenue  Heber CA 92249  
Phone (and extension, if necessary): 760.337.6530 Ext. 2499  
Fax Number: 760 353.3421

Period of request:  
From: July 1, 2011  
To: June 29, 2014

Local board approval date: (Required)  
June 13, 2011

Date of public hearing: (Required)  
June 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): 52055.750(a)(9) Circle One:  EC or  CCR  
Jb 7/7/11

Topic of the waiver: QEIA New School

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):  Consulted on May 10, 2011

Name of bargaining unit and representative(s) consulted:  Heber Teachers Association (HTA):  Elena Maciel, HTA President; Michael Arzaga, Labor Negotiations, and Sonia Montaño, Labor Negotiations  per Jamie Silva jb 7/7/11

The position(s) of the bargaining unit(s):  Neutral  X  Support  __  Oppose (Please specify why)

Comments (if appropriate):  Please refer to attached email from HTA President Elena Maciel. (Appendix A)

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)  Notices placed at three different public places in addition to the two school sites.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Per Jamie Silva jb 7/7/11

Date the committee/council reviewed the waiver request: Heber School Site Council consulted June 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).

Section 52055.750.(a) A school district or chartering authority that receives funding pursuant to this article shall agree to do all of the following for each funded school within its jurisdiction: (9) Ensure that the funds received on behalf of funded schools are expended on that school, except that during the first partial year of funding districts may use funding under this article for facilities necessary to meet the class size reduction requirements of this article, if all funds are spent on funded schools within the 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.

Heber Elementary School District is requesting to extend Quality Education Investment Act status to Dogwood Elementary, the second school in the District that was created when Heber School, the current QEIA school, was split and kindergarten through third grade students were transferred to Dogwood Elementary.

Heber Elementary School District is a small, rural school district located in the township of Heber, California in Imperial County. Heber Elementary School District has a total enrollment of 1146 students. Approximately 60% of our students are classified as English learners and 90% of the students qualify for free or reduced meals.

Refer to appendix B for more information on the background.

8. Demographic Information:

Dogwood Elementary has a student population of 517 and is located in rural, small township in Imperial County. The District's total enrollment is 1146.

<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.

| Signature of Superintendent or Designee: | Title: Superintendent | Date: June 22, 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: |
Appendix A

Hi Mr. Silva,

These are the statements I would like to include in the waiver. If you have any additional questions, feel free to call me at (760)791-0193. Thanks, Elena Heber Teachers

Bargaining Unit:
The Heber Teachers Association wholeheartedly endorses the application for continuing QEIA funding for the students at Dogwood School. This funding will continue to provide our students the benefit of class size reduction which has been proven to be one of the most effective classroom interventions. In light of our communities' vast number of English Language Learners, smaller class sizes and planning time for teachers will provide an effective method to help close the learning gap. The assurance of providing all stakeholders input into program expenditures and input from teachers into the professional development calendar will provide continued success for the program.

School Site Council:
The President for the Heber Teachers Association and a member of the School Site Council (SSC) during a Special meeting of the SSC agreed to support the waiver on the condition that all stakeholders would receive training regarding the intent and goals of QEIA. Additionally, the assurance that input will be solicited from all stakeholders will provide continued effective management of QEIA funding.
Appendix B

Despite our challenging demographics and with the use of funding provide by QEIA, Heber School has managed to significantly improve its API from 664 to 771, and the school is not and has never been a Program Improvement school.

Heber ESD operated as a single school District serving students in grades K-8 since 1908. On January 3, 2011, the school district opened its second school due to overcrowded conditions at Heber School. As a result of this, approximately 520 K-3 students were transferred to Dogwood Elementary leaving 630 4th-8th grade students at Heber School. Below is a breakdown of enrollment by grade level:

<table>
<thead>
<tr>
<th>Dogwood Elementary</th>
<th>Heber School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten- 120</td>
<td>Fourth-122</td>
</tr>
<tr>
<td>First-137</td>
<td>Fifth-133</td>
</tr>
<tr>
<td>Second-117</td>
<td>Sixth-119</td>
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<td>Seventh-111</td>
</tr>
<tr>
<td></td>
<td>Eighth-122</td>
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</table>

If QEIA funding is based solely on the enrollment of Heber School, that dollar amount will not generate enough funds to cover the salaries and benefits of teachers who were hired under the QEIA program to reduce class sizes in grades 4th through 8th. For example, the total expense on salary and benefits for the 10 additional teachers who were hired to reduce class sizes in grades 4-8 is $653,870. If Dogwood students cannot be counted, then we will receive $750.00 per student enrolled at Heber school (629 students) equaling $471,750.00 in QEIA funds. This amount is insufficient to cover the salaries and benefits of the ten (10) additional teachers hired under QEIA, thus resulting in a deficit of $182,120.00. In light of all the cuts to education and the multiple deferrals imposed by the State to school districts in California, our District would have to cover this deficit from our unrestricted fund, and this is something we cannot afford to do.

We hope you will consider our request for a waiver to count the students at Dogwood School. They are the same students who as of January 3, 2011 were enrolled at Heber School and were counted toward QEIA funding for Heber School. We know QEIA funds will continue to assist our District improve student achievement.
ITEM W-19
## General Waiver

### SUBJECT
Request by Planada Elementary School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Planada Elementary School (requesting revised goal of 7.8).

Waiver Number: 61-2-2011

### RECOMMENDATION

- Approval with conditions

The California Department of Education (CDE) recommends approval with the following conditions: (1) this waiver applies only to teachers at Planada Elementary School (ES); (2) Planada ES maintains the average Teacher Experience Index (TEI) at the school level to 7.8 or greater in the 2010–11 school year; (3) throughout the term of this waiver, Planada ES must meet or exceed the district average TEI for this type of school; and (4) within 30 days of approval of this waiver, Planada Elementary School District (ESD) must provide to the CDE a description, including costs covered by Quality Education Investment Act (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.

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

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the QEIA to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the TEI have been received by the CDE Waiver Office and presented to the SBE.
SUMMARY OF PREVIOUS (Cont.)

This school meets the criteria for the SBE Streamlined Waiver Policy, located on the CDE Waiver Policies Web page at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, having met the Academic Performance Index growth targets both schoolwide and for all subgroups in at least three of the last five years.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department is recommending approval for this school based on the fact the school’s average 2010-11 TEI is within ten percent of the average 2010 TEI for this type of school within Planada Elementary School District.

Planada ESD is a rural school district located in Merced County. Planada ES serves students in kindergarten through grade five. Planada ES has a student population of approximately 800 students. Planada ESD provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average district TEI was 9.4. Planada ESD’s average TEI for 2010–11 for this type of school is 7.56.

Planada ESD states that due to teacher attrition by retirements, Planada ES is unable to replace those vacancies with teachers that have years of experience equal to that of the retirees' average. Planada ESD has transferred the more experienced teachers from the middle school that hold a multiple subject teaching credential in order to sustain the TEI average. Additionally, all efforts were made to hire teachers with several years of experience to increase the TEI, but finding experienced teachers willing and able to commute to Planada has been difficult.
SUMMARY OF KEY ISSUES (Cont.)

Planada ESD requests a waiver of the QEIA TEI target for Planada ES and establishment of an alternative TEI target of 7.8 which is based on 2010–11 TEI levels. The 2010–11 TEI alternative target of 7.8 for Planada ES is greater than Planada ESD’s 2010–11 TEI average of 7.56 for this type of school. The CDE supports Planada ESD’s request to reduce its TEI target because the alternative TEI target is within 10 percent of the district’s 2010–11 TEI for this type of school.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in California Education Code (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 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; or (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: Planada ES has a student population of 793 students and is located in a small city in Merced County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 29, 2012

Local board approval date(s): February 10, 2011

Public hearing held on date(s): February 10, 2011

Bargaining unit(s) consulted on date(s): February 2, 2011

Name of bargaining unit/representative(s) consulted: Planada Teachers Association, Reno Martinelli, Sonia Alvarez, Gayle Besecker, and Danny Lema

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

Advisory committee(s) consulted: Planada Elementary School – Schoolsite Council
Objections raised (choose one): ☑ None □ Objections are as follows:

Date(s) consulted: February 14, 2011

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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or 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

Local educational agency:  
Planada Elementary School District  
Planada Elementary School

Contact name and Title:  
Jose L. Gonzalez, Superintendent  
Richard Lopez, Principal

Contact person’s e-mail address:  
jgonzalez@planada.org  
rilopez@planada.org

Address:  
(City)  (State)  (ZIP)  
161 S. Plainsburg Rd.  Planada  CA  95365  
9525 E. Broderick  Planada  CA  95365

Phone (and extension, if necessary):  
209-382-0756  
209-382-0272 ext. 104

Fax Number:  209-382-0113  
209-382-1750

Period of request:  (month/day/year)  
From:  August 1, 2010  To:  June 30, 2014

Local board approval date:  (Required)  
February 10, 2011

Date of public hearing:  (Required)  
February 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): portions of 52055.740(a)  
Circle One:  (EC)  or  CCR

Topic of the waiver:  PESD is requesting that the Teacher Experience Index average be reduced due to attrition.

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):  February 2, 2011

Name of bargaining unit and representative(s) consulted:  Planada Teachers Association: Reno Martinelli, Sonia Alvarez, Gayle Besecker, and Danny Lema

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:

The waiver request was presented to both the English Learner Advisory Council and the School Site Council.

Date the committee/council reviewed the waiver request:  February 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*).

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.

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 Planada Elementary School attain a target of 9.4 years of teaching experience to be compliant with the QEIA requirements for the 2010/11 – 2013/14 school years. Due to teacher attrition by either retirements or early retirement incentives (golden handshakes), the school is unable to replace those vacancies with teachers that have equal years of experience to that of the retirees’ average. The Planada Elementary is requesting that its TEI be reduced to match the average of other QEIA schools or if that request is denied to have the TEI waived for the 2010/11 school year. Please refer to the attachment for additional information.

8. Demographic Information:
Planada is a rural, unincorporated community of almost 4,000. It lies nine miles southeast of the City of Merced. Nearly 60% of Planada residents earn less than $30,000 per year and only 12.6% of the population is a high school graduate. The student population consists of 95.2% Hispanic and 2% Asian & Caucasian. English Learners consist of 57.8% of the population and 83.8% of the students receive free or reduced price meals.

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- Planada Elementary S.D.

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:
### Teacher Experience Index

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<th>Year</th>
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<th>District TEI</th>
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<th>State QEIA School’s TEI</th>
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<td>6.7</td>
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<td>2010-2011</td>
<td>9.4</td>
<td>7.8</td>
<td>27</td>
<td>6.7</td>
</tr>
</tbody>
</table>

- **2005-2006**: QEIA Base Year
- **2006-2007**: Lost 1 teacher (9 years exp.) from 2005-06
- **2007-2008**: Lost 4 teachers (2 with 30 years) (2 less than 5 years)  
  Gained 1 from the middle school with a M.S. Credential and 10 years exp.  
  Gained 4 teachers- 3 with 3 years exp and 1 with year exp.
- **2008-2009**: Lost 1 teacher with 30 years experience  
  Gained 1 teacher from the middle school with a M.S. credential with 15 years exp.
- **2009-2010**: Lost 1 teacher with 30 years exp.  
  Added librarian as a teacher with 1 year exp.
- **2010-2011**: Lost 3 with 20+ years average exp.  
  Gained 5 teachers- 1 with 9 years exp., 1 with 4 years exp., 1 with 3 years exp.,  
  and 2 with 2 years exp.

Planada Elementary School is one of two schools in the Planada Elementary School District, comprised of Planada Elementary and Cesar E. Chavez Middle School. Planada is a rural town located approximately nine miles southeast of Merced, California. In our efforts to maintain our targeted TEI, we have lost several teachers due to retirements and have made every attempt to hire teachers with teaching experience. Aside from hiring experienced teachers, we have transferred all of the teachers from our middle school that hold a multiple subject teaching credential to sustain our TEI. Currently, all teachers at the middle school hold single subject credentials. Additionally, all efforts have been made to hire teachers with several years of experience to increase the TEI, but trying to find teachers with 5 – 10 years of teaching experience who are willing and able to commute out to our community has been difficult. In order to be compliant with the QEIA requirements, we continue to hire additional teachers to sustain required Class Size Reduction in Kindergarten - 3rd grades, and at the same time reduce 4th and 5th grades by at least 5 students per class. PES currently has five teachers with 20+ years of service who will be retiring within the next few years. Once again, we will see the impact on our TEI. Due to continued attrition, and the difficulties to hire teachers with years of experience, PES is requesting that our TEI target be reestablished at the 2010-2011 school year TEI of 7.8 years or allowed for the TEI to be set to match the average district TEI of QEIA schools across the state which is 6.7 years.
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-20
General Waiver

**SUBJECT**
Request by Bakersfield City School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Jefferson Elementary School and Mt. Vernon Elementary School (requesting revised goal of 6.8 and 7.1, respectively).

Waiver Number: 83-2-2011

**RECOMMENDATION**

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

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

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.
- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the Teacher Experience Index (TEI) have been received by the CDE Waiver Office and presented to the SBE.

**SUMMARY OF KEY ISSUES**

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full
SUMMARY OF KEY ISSUES (Cont.)

implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department recommends denial of this request based on three factors: (1) QEIA program requirements were known to the district prior to its decision to apply for program participation; (2) QEIA funding is expected to result in increased teacher experience over time and the QEIA school is below the district average for this type of school; and (3) the revised TEI request is greater than 10 percent of the districts 2010–11 TEI average for this type of school.

Bakersfield CSD is an urban school district located in Kern County. Jefferson Elementary School (ES) serves students in kindergarten through grade five and Mt. Vernon ES serves students in kindergarten through grade six. Bakersfield CSD has a student population of 27,688 students. Bakersfield CSD provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average Bakersfield CSD TEI is 7.7. Bakersfield CSD’s average TEI for 2010–11 for this type of school is 8.37.

Bakersfield CSD states that due to current budget constraints, class size ratios were increased during the 2010–11 school year at non-QEIA schools and an early retirement incentive was provided to teachers. Twenty-seven teachers were hired or transferred to the three QEIA schools in order to protect the QEIA program’s CSR requirements and to replace teachers who accepted the retirement incentive. Sixteen of the twenty-seven teachers hired or transferred to QEIA schools in 2010–11 have four years or less teaching experience, creating the schools’ inability to meet the established TEI requirement. Bakersfield CSD requests a waiver of the QEIA TEI target for Jefferson ES and Mt. Vernon ES and establishment of alternative TEI targets of 6.8 and 7.1, respectively, which are based on 2010–11 TEI levels. The 2010–11 TEI alternative targets of 6.8 and 7.1 are less than Bakersfield CSD’s 2010–11 TEI average of 8.37 for this type of 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). 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; or (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: Jefferson Elementary School has a student population of 522 students and Mt. Vernon Elementary School has a student population of 818 students. All schools are located in an urban area in Kern County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 30, 2014

Local board approval date(s): February 22, 2011

Public hearing held on date(s): February 22, 2011

Bargaining unit(s) consulted on date(s): February 8, 2011

Name of bargaining unit/representative(s) consulted: Bakersfield Elementary School Teachers Association, Brad Barnes, 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

Advisory committee(s) consulted: Mt. Vernon Elementary School, College Heights Elementary School, and Jefferson Elementary School – School Site Councils

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: January 26, 31, and February 1, 2011, respectively
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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or 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

Local educational agency:
Bakersfield City School District

Contact name and Title:
Rona Crawford, Supervisor I

Contact person’s e-mail address:
crawfordr@bcsd.com

Address: (City) (State) (ZIP)
1300 Baker Street Bakersfield California 93305

Phone (and extension, if necessary):
(661) 631-4802

Fax Number: (661) 631-4643

Period of request: (month/day/year)
From: July 1, 2010 To: June 30, 2014

Local board approval date: (Required)
February 22, 2011

Date of public hearing: (Required)
February 22, 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

Topic of the waiver: QEIA

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): February 8, 2010

Name of bargaining unit and representative(s) consulted: Bakersfield Elementary Teachers Association BETA, Brad Barnes, 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:

Date the committee/council reviewed the waiver request: School Site Council at Mt. Vernon Elementary – 1/26/11;
School Site Council at College Heights Elementary – 1/31/11; School Site Council at Jefferson Elementary – 2/1/11.

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).

52055.740(a)(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

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 2005-06, the California Department of Education established 7.7 years as the average Teacher Experience Index (TEI) for Bakersfield City School District’s (BCSD) four QEIA schools. Teachers with more than ten years experience have a maximum cap of ten years counted towards the school’s average.

Each QEIA school in BCSD is progressing towards full implementation of the TEI requirement. The slight decrease in Mt. Vernon’s TEI for 2008-09 and Jefferson’s TEI in 2009-10 were due to teacher retirements at each school; however, both schools met the QEIA implementation requirements for the 2008-09 and 2009-10 school years.

The average TEI per school for 2010-11 is listed below.

- **College Heights Elementary**: 7.6 Year Average removed at district request per B. Storelli kak 8/2/2011
- **Jefferson Elementary**: 6.8 Year Average
- **Mt. Vernon Elementary**: 7.2 Year Average

Due to the current budget constraints, the district increased Class Size Reduction (CSR) ratios in grades K-8 (grades K-3 increased to 21.5:1; grades 4-6 increased to 35.5:1) and provided a retirement incentive to teachers. Both measures are in effect as of the 2010-11 school year. Twenty-seven teachers were hired or transferred to three QEIA schools (listed above) in order to protect the QEIA program’s CSR requirements and to replace teachers who accepted the retirement incentive. Transfers were conducted in accordance with the BCSD Collective Bargaining Agreement. Sixteen of the twenty-seven teachers hired or transferred to QEIA schools in 2010-11 have four years or less teaching experience creating the schools inability to meet the 7.7 year average established by the CDE.

Improved student performance is measured by the Academic Performance Index (API). The API growth is listed below starting with the first year of full funding of the QEIA program (2008-09).

- In 2008-09: College Heights +23 points; Jefferson +42 points; Mt. Vernon +22 points.
- In 2009-10: College Heights +29 points; Jefferson +35 points; Mt. Vernon +34 points.

Total API growth (2008-10): College Heights +52; Jefferson +77; Mt. Vernon +56.

The desired outcome is that the State Board of Education accepts the waiver of Ed Code 52055.740(a) (4) so that improved student academic performance may continue.

8. Demographic Information:

Bakersfield City School District has a student population of 27,688 and is located in an urban area in Kern 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>
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<td></td>
<td>Superintendent</td>
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<tr>
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California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-21
Request by Chula Vista Elementary School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Silver Wing Elementary School (requesting revised target of 5.2).

Waiver Number: 22-4-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the Teacher Experience Index (TEI) have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year
SUMMARY OF KEY ISSUES (Cont.)

program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses the 2005–06 California Basic Educational Data System (CBEDS) Professional Assignment Information Form as the base-reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department recommends denial of this request based on three factors: (1) QEIA program requirements were known to the district prior to its decision to apply for program participation; (2) QEIA funding is expected to result in increased teacher experience over time and the QEIA school is below the district average for this type of school; and (3) the revised TEI request is greater than 10 percent of the district’s 2010–11 TEI average for this type of school.

Chula Vista ESD is an urban school district located in San Diego County. Silver Wing Elementary School (ES) serves students in kindergarten through grade six. Chula Vista ESD has a student population of approximately 27,400 students. Chula Vista ESD provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average Chula Vista ESD TEI is 6.5. Chula Vista ESD’s average TEI for 2010–11 for this type of school is 8.05.

Chula Vista ESD states that its TEI was calculated using erroneous information that had been entered on the school’s CBEDS report. A recalculation of the TEI was performed with the help of the San Diego County Office of Education and discrepancies were corrected during that process. Chula Vista ESD and the Chula Vista Educators are currently negotiating a Memorandum of Understanding to implement a transfer policy and procedures to address TEI issues. Chula Vista ESD requests a waiver of the QEIA TEI target for Silver Wing ES and establishment of an alternative TEI target of 5.2 which is based on 2010–11 TEI levels. The 2010–11 TEI alternative target of 5.2 for Silver Wing ES is less than the district’s 2010–11 TEI average of 8.05 for this type of school.
SUMMARY OF KEY ISSUES (Cont.)

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 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; or (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: Silver King Elementary School has a student population of 418 students and is located in an urban area 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): April 5, 2011

Public hearing held on date(s): April 5, 2011

Bargaining unit(s) consulted on date(s): March 9, 2011

Name of bargaining unit/representative(s) consulted: Chula Vista Educators, Peg Meyers, 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 - posted at Chula Vista Elementary School District Office

Advisory committee(s) consulted: Silver Wing Elementary School, Schoolsite Council

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: March 28, 2011
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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or 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

**Local educational agency:**  
Chula Vista Elementary School District

**Contact name and Title:**  
Emma Sanchez, Executive Director of Language Acquisition & Development

**Contact person’s e-mail address:**  
emma.sanchez@cvesd.org

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>3</th>
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<th>6</th>
<th>8</th>
<th>0</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
</table>

**Address:**  
84 East J Street, Chula Vista, CA 91910

**Phone (and extension, if necessary):**  
619-425-9600 x 1521  
Fax Number: 619-420-3743

**Period of request:** (month/day/year)  
From: July 1, 2010  
To: June 30, 2011

**Local board approval date:** (Required)  
April 15, 2011

**Date of public hearing:** (Required)  
April 5, 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:** QEIA – Timeline for Meeting Teacher Experience Index

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 X  
If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):**  
March 9, 2011

   **Name of bargaining unit and representative(s) consulted:**  
Chula Vista Educators – Peg Meyers, President

   **The position(s) of the bargaining unit(s):**  
Neutral ___ Support X  
Oppose (Please specify why)

   **Comments (if appropriate):**  
Need to work together to either transfer or place teachers who volunteer to be assigned at Silver Wing

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) - Posted at District

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
**Silver Wing Elementary School Site Council**  
kak 5/16/11

   Date the committee/council reviewed the waiver request: March 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**).

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.

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.

Chula Vista Elementary School District requests a waiver of the timeline in Ed Code Section 52055.740 solely as it pertains to the Teacher Experience Index (TEI) as referenced in 52055.740(a) for Silver Wing Elementary School. The QEIA Teacher Experience Index (TEI) was calculated using erroneous information that had been entered on the school’s CBEDS report. A recalculation of the TEI was done with the help of the San Diego County Office of Education and discrepancies during the recalculation. Chula were corrected Vista Elementary School District and Chula Vista Educators are currently negotiating a Memorandum of Understanding policy and procedures school year to implement transfer to remedy the TEI for the 2011-12 and sustain it through the remainder of the QEIA settlement agreement. The school’s current teacher experience average is 5.2 years and the target is 6.5 years. The TEI target of 6.5 years will be met through these efforts effective with the 2011-12 school year; the timeline change requested through this waiver application is approximately six (6) weeks.

8. **Demographic Information:**

Chula Vista Elementary School District has a student population of 27,400 and is located in an urban area in San Diego County.

Silver Wing 418, K-6

| 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: |
ITEM W-22
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

☐ General Waiver

SUBJECT

Request by Cutler-Orosi Joint Unified School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at El Monte Middle School (requesting revised goal of 5.9).

Waiver Number: 126-2-2011

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: (1) This waiver applies only to teachers at El Monte Middle School (MS); (2) El Monte MS maintain the average Teacher Experience Index (TEI) at the school level to 5.9 or greater in the 2010–11 school year; (3) Throughout the term of this waiver, El Monte MS must meet or exceed the district average TEI for this type of school; and (4) within 30 days of approval of this waiver, Cutler-Orosi Joint Unified School District (JUSD) must provide to the CDE a description, including costs covered by Quality Education Investment Act (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.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the QEIA to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.
SUMMARY OF PREVIOUS (Cont.)

This is the first time waivers requesting revision of the TEI have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department is recommending approval for this school based on the fact the school’s average 2010–11 TEI is within ten percent of the average 2010–11 TEI for this type of school within Cutler-Orosi JUSD.

Cutler-Orosi JUSD is a rural school district located in Tulare County. El Monte MS serves students in grades six through eight. Cutler-Orosi JUSD has a student population of approximately 4,100 students. The district provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average district TEI is 7.2. The district’s average TEI for 2010–11 for this type of school is 5.9.

The district states that as a result of the state’s fiscal crisis, steps were taken to reduce expenditures which included early retirement incentives to senior teaching staff. Four teachers with over 20 years experience took advantage of the incentives and left El Monte MS. In addition, six teachers, some with the maximum experience level, resigned for various reasons. During this same period, the district entered into the District Assistance and Intervention Team program which ultimately led to a number of teachers not being rehired in an effort to strengthen the district’s instructional program and student achievement. Being a small, isolated rural district makes it difficult to recruit experienced teachers who often lose salary advantages when they change districts. Layoffs by other districts during this financial crisis have resulted in an increase in the number of candidates available. However, due to the seniority rule in layoffs, these teachers do not
SUMMARY OF KEY ISSUES (Cont.)

have high experience levels. Cutler-Orosi JUSD requests a waiver of the QEIA TEI target for El Monte MS and establishment of an alternative TEI target of 5.9 which is based on 2010–11 TEI levels. The 2010–11 TEI alternative target of 5.9 is equal to the districts 2010–11 TEI average of 5.9 for this type of school.

The Department recommends approval with the above conditions.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in California Education Code (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 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; or (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: El Monte Middle School has a student population of 922 students and is located in a rural unincorporated area in Tulare County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 29, 2011

Local board approval date(s): January 13, 2011

Public hearing held on date(s): January 13, 2011

Bargaining unit(s) consulted on date(s): December 10, 2010, and March 10, 2011

Name of bargaining unit/representative(s) consulted: Cutler-Orosi United Teachers Association, Al Reyes, President and California School Employees Association, Jessie Hureta, Jr., 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 at each school  ☒  posting in a newspaper  ☐ other

**Advisory committee(s) consulted:** El Monte Middle School – Schoolsite Council and English Language Advisory Committee

**Objections raised (choose one):** ☐ None  ☒ Objections are as follows:

**Date(s) consulted:** March 3, 2011

**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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

**ATTACHMENT(S)**

Attachment 1: General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or 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

Local educational agency:
Cutler-Orosi Joint Unified School District

Contact name and Title:
Craig Drennan
Assistant Superintendent

Contact person’s e-mail address:
cbdrennan@cojusd.org

Address:  
12623 Avenue 416  Orosi  CA  93647

CD CODE
5 4 7 1 8 6 0

Period of request: (month/day/year)
From: July 1, 2010  To: June 30, 2011

Local board approval date: (Required)
January 13, 2011

Date of public hearing: (Required)
January 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)  jb 3/10/11  Circle One: EC

Topic of the waiver: QEIA Teacher Experience Index (TEI)

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 10, 2010 – Cutler-Orosi UTA  
March 10, 2011 - CSEA

Name of bargaining unit and representative(s) consulted:  Al Reyes, President, Cutler-Orosi Unified Teachers Association; Jessie Hureta Jr., President California School Employees 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  ___ Other: (Please specify)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  El Monte School Site Council and English Language Advisory Committee per Craig Drennan  jb 3/10/11

Date the committee/council reviewed the waiver request: The School Site Council had a discussion about QEIA and its issues but the specific items were not itemized on the agenda. This waiver will be specifically identified on an agenda in a meeting held on March 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).

Education Code 52055.740 (a)

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

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.

El Monte Middle School is part of the Cutler-Orosi Joint Unified School District, which is a small, isolated, rural district on the northernmost edge of Tulare County. El Monte Middle School is the only school in the District that houses the 6th through 8th grade student population. Aside from its alternative education schools, the District consists of three elementary schools, one middle school and one high school. All of the schools are in Program Improvement (PI). The middle school is in the QEIA program; as well as two of the three elementary schools.

The County QEIA Monitor takes the calculation of the Teacher Experience Index (TEI) from the District using the QEIA Tech Center worksheet. The TEI was set by the state from CBEDS information in the 05-06 school year. At this time the financial condition of the state and the schools was still fairly good and major reductions had not taken place. The TEI for El Monte Middle School came out to be 7.2 on a scale with 10 as the maximum. This was the TEI for the other schools in the District who are also in the QEIA program. It should be noted that the school had recently converted from a junior high school to a middle school. All 6th grade students now attend the middle school, bringing with them a core of relatively new teachers. In addition, the instructional delivery method for the entire 7th grade, as well as some of the 8th grade, changed from a departmentalized instructional setting into a core subject instructional setting. This required that many new teachers be hired to staff the school.

As the state’s fiscal crisis impacted the District, the District took steps to reduce expenditures. One method that was utilized was to offer a retirement incentive program to its senior teaching staff. In the 2008-09 school year, sixteen teachers took advantage of the offer and left the District. Four of these teachers left El Monte Middle School; each had more than twenty years of experience. In the 2009-10 school year, another twenty-year, veteran teacher retired from the same middle school. In addition to the retirees an additional six teachers, some with the maximum experience level available, resigned from El Monte Middle School/District for various personal reasons.

During this same period, the District entered into the DAIT program. The District took its obligations under DAIT, to work diligently to improve student achievement, very seriously. An improved system of teacher evaluations was implemented. The evaluation process led to a number of teachers, who had several years of experience, being non-reelected to the District in its efforts to strengthen its instructional program.
As part of the DAIT program, the District’s outside evaluators had the District add intervention teachers to strengthen student achievement. Additionally, the District pulled talented teachers from each school to act as academic coaches in the areas of mathematics, language arts and English language development. These coaches worked directly with teachers to reinforce the implementation of proven research based instructional strategies. Following these DAIT plan recommendations had the net effect of helping to lower the TEI.

In order to maintain a TEI, teachers who retire must be replaced by teachers with the same or greater level of experience. Mathematically, when additional teaching staff is hired, that new staff member would have to have an experience level that is equal to or greater than the school’s TEI. As more teachers are hired to meet DAIT goals and student needs, the negative impact on the TEI is increased.

Example:

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<th></th>
<th>Base year experience and TEI</th>
<th>Additional staff with same experience</th>
<th>Additional staff with less experience</th>
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<tr>
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<td>10</td>
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</tr>
</tbody>
</table>

Being a small, isolated, rural district makes it difficult to recruit experienced teachers who often lose salary advantages when they change districts. Layoffs by other districts during this financial crisis have resulted in an increase in the number of candidates available. However, due to the seniority rule in layoffs, these teachers do not have high experience levels. Being a small district, with all of its schools in PI, there is no source of senior teachers to transfer, that would not harm the improvement needs of the individual schools.

The District believes that the TEI should be waived at El Monte Middle School. The school has made gains in its test scores over the last three years, which have included reaching “safe harbor” in language arts. The District has brought in a new principal for the middle school, hired academic coaches to assist staff in instructional methodology and used QEIA and Title I funds to provide significant targeted professional development. The District continues to aggressively evaluate its teachers and uses data to support its instructional program. The loss of QEIA funds would significantly reduce the resources available to continue the school on its upward trend. Loss of funding would mean an increase in class size and loss of professional development and instructional improvement resources for teachers, which would severely effect student achievement.

8. Demographic Information:
   Cutler-Orosi Joint Unified, El Monte Middle School has a student population of 922 and is located in a rural unincorporated area 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: Assistant Superintendent | Date: February 25, 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 Dinuba Unified School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at John F. Kennedy Academy (requesting revised goal of 6.6).

Waiver Number: 52-3-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.
- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the Teacher Experience Index (TEI) have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year
program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department recommends denial of this request based on three factors: (1) QEIA program requirements were known to the district prior to its decision to apply for program participation; (2) QEIA funding is expected to result in increased teacher experience over time and the QEIA school is below the district average for this type of school; and (3) The revised TEI request is greater than ten percent of the districts 2010–11 TEI average for this type of school.

Dinuba Unified School District (USD) is an urban fringe school district located in Tulare County. John F. Kennedy Academy serves students in grade six. Dinuba USD has a student population of 5,984 students. The district provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average district TEI is 8.1. The district’s average TEI for 2010–11 for this type of school is 7.79.

The district states that to deal with budgeting issues, retirement incentives were offered to encourage experienced teachers to retire. In fully implementing QEIA CSR requirements, all QEIA schools recruited teachers that had less experience than existing teachers. In addition, the teacher transfer articles of the collecting bargaining agreements limit teacher assignment options, making the transfer of more experienced teachers to the QEIA schools difficult. The results are that the CSR requirements of the QEIA program have been met for QEIA schools in 2010–11, but hiring less experienced teachers has created the schools’ inability to meet the established TEI requirement. Dinuba USD requests a waiver of the QEIA TEI target for John F. Kennedy Academy and establishment of alternative target of 6.6. The 2010–11 TEI alternative target for John F. Kennedy Academy is less than the districts 2010–11 TEI average of 7.79 for this type of 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). 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; or (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: John F. Kennedy Academy has a student population of 468 students and is located in an urban fringe area in Tulare County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 30, 2011

Local board approval date(s): March 24, 2011

Public hearing held on date(s): March 24, 2011

Bargaining unit(s) consulted on date(s): March 16 and 19, 2011

Name of bargaining unit/representative(s) consulted:
Dinuba Teachers Association, Rich White, President; and California School Employees Association, Sage Clark, 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

Advisory committee(s) consulted: John F. Kennedy Academy Schoolsite Council

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: March 23, 2011

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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted back into the general fund.

**ATTACHMENT(S)**

Attachment 1: General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or 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  

Local educational agency:  
John F. Kennedy Academy  CDS: 54 75531-0102707  
Dinuba Unified School District  

Address:  
999 North Crawford  Dinuba  
1327 E. El Monte Way  Dinuba  

Contact name and Title:  
Paul Rogers  Assistant Superintendent  
progers@dinuba.k12.ca.us  

Contact person's e-mail address:  
progers@dinuba.k12.ca.us  

CD CODE  
5 4 7 5 5 3 1  

Phone (and extension, if necessary):  
(559) 595-7200 ext 295  
Fax Number: (559) 591-3334  

Period of request:  
From: July 1, 2010  
To: June 30, 2011  

Local board approval date:  
March 24, 2011  

Date of public hearing:  
March 24, 2011 (Attachment E)  

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  

Topic of the waiver: Teacher Experience Index Quality Education Investment Act  

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): Dinuba Teachers Association DTA/CTA  
California Classified School Employees Association  
kk 3/30/2011  

Name of bargaining unit and representative(s) consulted: Rich White, President, Dinuba Teachers Association  
Sage Clark, President Dinuba Chapter # 152 CSEA  

The position(s) of the bargaining unit(s): _ Neutral _ × Support __ Oppose (Please specify why)  

Comments (if appropriate): Letters attached (Attachment C)  
jb 6/2/11  

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:  
John F. Kennedy Academy School Site Council  
kk 3/30/2011  

Date the committee/council reviewed the waiver request: March 23, 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*).

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.

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 have remained constant. The Teacher Experience Index (TEI) for elementary schools in the Dinuba Unified School District is 8.1. The uniform process designates teaching experience beyond 10 years as 10 years.

John F. Kennedy Academy is asking for a temporary waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. John F. Kennedy Academy is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached]

8. Demographic Information:

John F. Kennedy Academy is a Sixth Grade School. It has a student population of 468 students: 92.5% Hispanic, 4.7% White. All students qualify for Free or Reduced Lunch under Provision II. Over 38% of the students are English Learners. The school is located in the urban fringe of a mid-size city in northern Tulare 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: /s/Joe Hernandez

Title: Superintendent

Date: 3/24/11

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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<tr>
<th>Staff Name (type or print):</th>
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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. Desired outcome/rationale

John F. Kennedy is a unique one grade level school. It serves the academic needs of all the grade six students in the Dinuba Unified School District. Prior to the school opening in 2004-2005, nine of the 15 staff members were first year teachers. These teachers were specifically hired to meet the special needs of the learning academy. As a result the base TEI of 6.5 was well below the district value. JFK was the outlier for the District TEI. This was in contrast to the experienced staff in the rest of the elementary schools in the District with a TEI of 8.1. Dinuba Unified School District and John F. Kennedy Academy have met a number of challenges in meeting the Teacher Experience Index. Of the 120 Local Educational Agencies with reported TEI’s only 10% have a TEI equal or greater than 8.1.

<table>
<thead>
<tr>
<th>Average Teacher Experience Index (TEI) John F. Kennedy Academy School</th>
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<td>District TEI Target (2005-2006)</td>
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</tr>
<tr>
<td>John F. Kennedy Academy’s calculated TEI (2010-2011)</td>
</tr>
</tbody>
</table>

Several factors have impacted the school’s ability to meet the TEI target of 8.1 years:

- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers some of which have less experience. This has a negative effect on the teacher experience average. In taking the necessary steps to meet the CSR requirement, John F. Kennedy Academy has created difficulties in meeting the TEI requirement.
- The teacher transfer articles of our collective bargaining agreement limit teacher assignment options. These articles make transferring teachers to John F. Kennedy Academy to meet the TEI target difficult.
- Dinuba Unified has six schools that qualify as elementary schools and contributed to the District TEI. Three of these schools or one half are QEIA schools.
- The QEIA funding was uncertain for a significant portion of the 2009-2010 school year forcing a delay in the hiring process.
- The District has provided retirement incentives to encourage experienced teachers to retire.
- Since 2005-2006 the District has experienced a number of retirements and change in status that has reduced our teacher experience value. If we calculate the District TEI value today for all our elementary schools, using the same calculation model, we would have a value of 7.79.

The combination of new hires at John F. Kennedy Academy, difficulties in transferring experienced teachers, as well as retirements, has made it a challenge to meet the TEI requirement.

John F. Kennedy Academy has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation 2010-2011.
- 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

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
7. Desired outcome/rationale (Continued)

The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction, repaired facilities and increased student learning evidenced by an average API growth of 22 points. John F. Kennedy Academy has made improvement with the implementation of the QEIA grant. The method of calculating TEI is a barrier for the school making the TEI target goal of 8.1 in the 2010-2011 school year and John F. Kennedy is requesting a waiver of the TEI requirement for the 2010-2011 school year. John F. Kennedy Academy is projected to meet all the other QEIA stipulations for the 2010-2011 school year.

Jb 6/2/11
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-24
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT
Request by Dinuba Unified School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Wilson Elementary School and Jefferson Elementary School (requesting revised goal of 7.7 and 7.5, respectively).

Waiver Numbers: 53-3-2011 and 54-3-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: (1) This waiver applies only to teachers at Wilson Elementary School (ES), and Jefferson ES; (2) Wilson ES and Jefferson ES maintain or increase the average teacher experience index (TEI) at the school level to 7.7 and 7.5, respectively, or greater in the 2010–11 school year; (3) Throughout the term of this waiver, Wilson ES and Jefferson ES must meet or exceed the district average TEI for this type of school; and (4) Within 30 days of approval of this waiver, Dinuba Unified School District (USD) must provide to the CDE a description, including costs covered by Quality Education Investment Act (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.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the QEIA to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.
SUMMARY OF PREVIOUS (Cont.)

This is the first time waivers requesting revision of the TEI have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department is recommending approval for these two schools based on the fact that each schools average 2010-11 TEI is within ten percent of the average 2010–11 TEI for this type of school within Dinuba USD.

Dinuba USD is an urban fringe school district located in Tulare County. Wilson ES and Jefferson ES serve students in kindergarten through grade five. Dinuba USD has a student population of 5,984 students. The district provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average district TEI is 8.1. The district’s average TEI for 2010–11 for this type of school is 7.79.

The district states that to deal with budgeting issues, retirement incentives were offered to encourage experienced teachers to retire. In fully implementing QEIA comprehensive school reform CSR requirements, all QEIA schools recruited teachers that had less experience than existing teachers. In addition, the teacher transfer articles of the collecting bargaining agreements limit teacher assignment options, making the transfer of more experienced teachers to the QEIA schools difficult. The results are that the CSR requirements of the QEIA program have been met for QEIA schools in 2010–11, but hiring less experienced teachers has created the schools’ inability to meet the established TEI requirement. Dinuba USD requests a waiver of the QEIA TEI target for Wilson ES and Jefferson ES and establishment of alternative TEI targets of 7.7, and 7.5, respectively, which are based on 2010–11 TEI levels. The 2010–11 TEI alternative
targets of 7.7 and 7.5 are less than the districts 2010–11 TEI average of 7.79 for similar schools.

The Department recommends approval with the above conditions.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in California Education Code (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 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; or (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:** Wilson Elementary School has a student population of 483 students and Jefferson Elementary School has a student population of 611 students. Both schools are located in an urban fringe area in Tulare County.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2010, to June 29, 2012

**Local board approval date(s):** March 24, 2011

**Public hearing held on date(s):** March 24, 2011

**Bargaining unit(s) consulted on date(s):** March 16 and 19, 2011

**Name of bargaining unit/representative(s) consulted:**
Dinuba Teachers Association, Rich White, President; and California School Employees Association, Sage Clark, 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

Advisory committee(s) consulted: Wilson Elementary School Schoolsite Council and Jefferson Elementary School Schoolsite Council, respectively

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: March 7 and 10, 2011, respectively

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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted back into the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request Wilson Elementary School (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: General Waiver Request Jefferson Elementary School (3 pages) (Original waiver request is signed and on file in the SBE Office or 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

Local educational agency:
Wilson School CDS: 54 - 75531 – 6054001
Dinuba Unified School District

Contact name and Title:
Paul Rogers
Assistant Superintendent

Contact person’s e-mail address:
progers@dinuba.k12.ca.us

Address:                                         (City)                              (State)                        (ZIP)
305 East Kamm Avenue            Dinuba                                CA                       93618
1327 E. El Monte Way               Dinuba                                CA                       93618

Phone (and extension, if necessary): (559) 595-7200 ext 295
Fax Number: (559) 591-3334

Period of request: (month/day/year) From: July 1, 2010 To: June 30, 2011
Local board approval date: (Required) March 24, 2011
Date of public hearing: (Required) March 24, 2011 (Attachment E)

Jb 8/23/11  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 (a) (4)  Circle One: EC or CCR

Topic of the waiver: Teacher Experience Index  Quality Education Investment Act

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): Dinuba Teachers Association DTA/CTA
California Classified School Employees Association CSEA

Name of bargaining unit and representative(s) consulted: Rich White, President, Dinuba Teachers Association
Sage Clark, President Dinuba Chapter # 152 CSEA

The position(s) of the bargaining unit(s):  __  Neutral _×_ Support _ Oppose (Please specify why)

Comments (if appropriate): Letters attached (Attachment C) jb 6/2/11

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:

Wilson School Site Council    kk 3/30/2011

Date the committee/council reviewed the waiver request: March 7, 2011 (Attachment D) kk 3/30/2011

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).

   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, schoolsites, 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 have remained constant. The Teacher Experience Index (TEI) for elementary schools in the Dinuba Unified School District is 8.1. The uniform process designates teaching experience beyond 10 years as 10 years.

   Wilson Elementary School is asking for a temporary waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Wilson Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached]

8. Demographic Information:

   Wilson School is a K-5 Elementary School. It has a student population of 483 students: 95% Hispanic, 4% White. All students qualify for Free or Reduced Lunch under Provision II. Over 56% of the students are English Learners. The school is located in the urban fringe of a mid-size city in northern Tulare 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.

| Signature of Superintendent or Designee: | Title: | Date: |
| /s/ Joe Hernandez | Superintendent | March 24, 2011 |

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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: |
| | | |
Dinuba Unified School District and Wilson School have met a number of challenges in meeting the Teacher Experience Index. In 2005-2006, the District had an experienced elementary school staff and the calculated TEI was 8.1. Of the 120 Local Educational Agencies with reported TEI’s only 10% have a TEI equal or greater than 8.1.

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</tr>
<tr>
<td>Wilson School’s calculated TEI (2010-2011)</td>
</tr>
</tbody>
</table>

Several factors have impacted the school’s ability to meet the TEI target of 8.1 years:

- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers some of which have less experience. This has a negative effect on the teacher experience average. In taking the necessary steps to meet the CSR requirement, Wilson has created difficulties in meeting the TEI requirement.
- The teacher transfer articles of our collective bargaining agreement limit teacher assignment options. These articles make transferring teachers to Wilson Elementary School to meet the TEI target difficult.
- Dinuba Unified has six schools that qualify as elementary schools and contributed to the District TEI. Three of these schools or one half are QEIA schools.
- The QEIA funding was uncertain for a significant portion of the 2009-2010 school year forcing a delay in the hiring process.
- The District has provided retirement incentives to encourage experienced teachers to retire.
- Since 2005-2006 the District and Wilson Elementary School have experienced a number of retirements and change in status that has reduced our teacher experience value. If we calculate the District TEI value today for all our elementary schools, using the same calculation model, we would have a value of 7.79. [Attachment A]  jb 6/2/11

The combination of new hires at Wilson Elementary School, difficulties in transferring experienced teachers, as well as retirements, has made it a challenge to meet the TEI requirement.

Wilson Elementary School has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation 2010-2011.
- 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.
The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction, repaired facilities and increased student learning evidenced by a 49 point API growth this past year. Wilson Elementary School has made continuous improvement with the implementation of the QEIA grant. Baring retirement and illness the projection is that Wilson Elementary School will meet the TEI target of 8.1 in the 2011-2012 school year. [Attachment B]. Wilson Elementary School will meet all the other QEIA stipulations for the 2010-2011 school year and is requesting a waiver of the TEI requirement for the 2010-2011 school year.

jb 6/2/11
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:
Jefferson School CDS: 54 - 75531 – 6053979
Dinuba Unified School District

Contact name and Title:
Paul Rogers
Assistant Superintendent

Contact person’s e-mail address:
progers@dinuba.k12.ca.us

Address: (City) (State) (ZIP)
1660 E. Sierra Way Dinuba CA 93618
1327 E. El Monte Way Dinuba CA 93618

Phone (and extension, if necessary): (559) 595-7200 ext 295
Fax Number: (559) 591-3334

Period of request: (month/day/year) June 29, 2012
From: July 1, 2010 To: June 30, 2011
Local board approval date: (Required) March 24, 2011
Date of public hearing: (Required) March 24, 2011 (Attachment E)

Jb 8/23/11

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 (a) (4) Circle One: EC or CCR

Topic of the waiver: Teacher Experience Index Quality Education Investment Act

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): Dinuba Teachers Association DTA/CTA
California Classified School Employees Association (CSEA) kk 3/30/2011

Name of bargaining unit and representative(s) consulted: Rich White, President, Dinuba Teachers Association
Sage Clark, President Dinuba Chapter # 152 CSEA

The position(s) of the bargaining unit(s): _ Neutral × Support __ Oppose (Please specify why)

Comments (if appropriate): Letters attached (Attachment C) jb 6/2/11

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:

Jefferson School Site Council Kak 3/30

Date the committee/council reviewed the waiver request: March 10, 2011 (Attachment D) jb 6/2/11

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).

   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, schoolsites, 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 have remained constant. The Teacher Experience Index (TEI) for elementary schools in the Dinuba Unified School District is 8.1. The uniform process designates teaching experience beyond 10 years as 10 years.

   Jefferson Elementary School is asking for a temporary waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has provided for the school. Jefferson Elementary School is seeking a waiver of this requirement from 2010-2011 to the 2011-2012 school year. [See attached]

8. Demographic Information:
   
   Jefferson School is a K-5 Elementary School. It has a student population of 611 students: 98% Hispanic, 1.5% White. All students qualify for Free or Reduced Lunch under Provision II. Over 67% of the students are English Learners. The school is located in the urban fringe of a mid-size city in northern 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: /s/ Joe Hernandez

   Title: Superintendent

   Date: March 24, 2011
Dinuba Unified School District and Jefferson School have met a number of challenges in meeting the Teacher Experience Index. In 2005-2006, the District had an experienced elementary school staff and the calculated TEI was 8.1. Of the 120 Local Educational Agencies with reported TEI's only 10% have a TEI equal or greater than 8.1.

**Average Teacher Experience Index (TEI) Jefferson School**

<table>
<thead>
<tr>
<th>Year</th>
<th>District TEI Target</th>
<th>Jefferson School's TEI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Jefferson School's target (2008-2009) 2.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jefferson School's calculated TEI (2008-2009) 7.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jefferson School's target (2009-2010) 5.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jefferson School's calculated TEI (2009-2010) 7.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jefferson School's target (2010-2011) 8.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jefferson School's calculated TEI (2010-2011) 7.6</td>
</tr>
</tbody>
</table>

Several factors have impacted the school's ability to meet the TEI target of 8.1 years:

- In fully implementing the Class Size Reduction (CSR) Requirement, the school has recruited new teachers some of which have less experience. This has a negative effect on the teacher experience average. In taking the necessary steps to meet the CSR requirement, Jefferson has created difficulties in meeting the TEI requirement.
- The teacher transfer articles of our collective bargaining agreement limit teacher assignment options. These articles make transferring teachers to Jefferson Elementary School to meet the TEI target difficult.
- Dinuba Unified has six schools that qualify as elementary schools and contributed to the District TEI. Three of these schools or one half are QEA schools.
- The QEA funding was uncertain for a significant portion of the 2009-2010 school year forcing a delay in the hiring process.
- The District has provided retirement incentives to encourage experienced teachers to retire.
- Since 2005-2006 the District and Jefferson Elementary School have experienced a number of retirements and change in status that has reduced our teacher experience value. If we calculate the District TEI value today for all our elementary schools, using the same calculation model, we would have a value of 7.79  

The combination of new hires at Jefferson Elementary School, difficulties in transferring experienced teachers, as well as retirements, has made it a challenge to meet the TEI requirement.

Jefferson Elementary School has substantially met the following requirements at the previous benchmark years:

- Met the class size reduction requirements for full implementation 2010-2011.
- 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.
The QEIA grant has provided the resources that have reduced class sizes, provided professional development to improve instruction, repaired facilities and increased student learning evidenced by a three year API growth average of 35.3 points per year. Jefferson Elementary School has made continuous improvement with the implementation of the QEIA grant, including exiting of Program Improvement at the conclusion of the 2009-2010 school year. Jefferson was one of just 10 in 1100 to exit Program Improvement Year 5 status, and the QEIA grant was one contributing factor. Barring retirement and illness the projection is that Jefferson Elementary School will meet the TEI target of 8.1 in the 2011-2012 school year. [Attachment B] Jefferson Elementary School will meet all the other QEIA stipulations for the 2010-2011 school year and is requesting a waiver of the TEI requirement for the 2010-2011 school year.

jb 6/2/11
ITEM W-25
General Waiver

SUBJECT
Request by Los Angeles Unified School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index, Highly Qualified Teacher requirements, and Williams’s settlement agreement requirements under the Quality Education Investment Act, so that the full implementation of these programmatic requirements is not required until 2012–13 at Alain LeRoy Locke Charter High School, Animo Locke #1, Animo Locke #2, Animo Locke #3, and Animo Locke ACE Academy.

Waiver Number: 8-5-2011

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the Teacher Experience Index (TEI) have been received by the CDE Waiver Office and presented to the SBE.

The SBE heard a related request concerning 16 Los Angeles Unified School District (USD) schools in January 2009, with no action taken, and for a second time at the March 2009 meeting. In March, a motion to deny the waiver failed and the waiver was automatically granted under EC Section 33052 due to the fact that the SBE did not take formal action on the waiver in two meetings.
SUMMARY OF PREVIOUS (Cont.)

The SBE heard and approved a related waiver request by the Los Angeles USD for Alain LeRoy Locke Charter High School (Locke CHS) at the May 2009 SBE meeting. That waiver allowed QEIA funding to follow students transferring from the QEIA-funded Locke CHS to new schools on the same Locke CHS campus.

The SBE heard and approved another related waiver request by the Los Angeles USD for Locke CHS at the March 2010 SBE meeting. That waiver renewed the May 2009 waiver request that allowed QEIA funding to follow students transferring from the QEIA-funded Locke CHS to new schools on the same Locke CHS campus through 2014.

SUMMARY OF KEY ISSUES

The Los Angeles USD is requesting this waiver, for years 2010–11 and 2011–12, from the QEIA monitoring requirements relating to the TEI, highly qualified teachers (HQT), and the William’s settlement agreement. Los Angeles USD states that it will meet the full QEIA monitoring requirements by 2012–13.

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, HQT, and the William’s settlement, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements except for the William’s settlement requirements that were to have been fully implemented by the end of the 2008–09 school year. 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 are required to fully implement all requirements in the 2010–11 school year.

Each of the schools affected by this waiver was required by the SBE to meet the statutory QEIA implementation timeline requirements in its approval of the March 2010 waiver request. Fifteen months later, the Los Angeles USD is requesting a waiver from implementing these requirements within that timeline.

The Department continues to be concerned that approval of this waiver request will present significant challenges for these schools in fully implementing program requirements. QEIA-funded schools are expected to provide specific and significant benefits to their students through the reduction of the class size of core classes, reduction of pupil-to-counselor ratios, and improved instruction through expanded professional development, HQT, and an average years of experience of classroom teachers in the school equal to or exceeding the average for the Los Angeles USD, among other things. For this reason, the CDE recommends denial on the basis that its approval would not adequately address the educational needs of pupils within the meaning of EC Section 33051(a)(1).
SUMMARY OF KEY ISSUES (Cont.)

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; or (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: Los Angeles Unified School District has a student population of approximately 678,441 and is located in Los Angeles County. Alain LeRoy Locke Charter High School has a student population of 2,353.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 30, 2015

Local board approval date(s): May 24, 2011

Public hearing held on date(s): May 24, 2011

Bargaining unit(s) consulted on date(s): May 11, 2011

Name of bargaining unit/representative(s) consulted: Asociacion de Maestros Unidos, Arelle Zurzolo, President; Animo Classified Employees Association, Daymond Johnson, 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: School Site Councils or other school advisory councils of the Alain LeRoy Locke Charter High School

Objections raised (choose one): ☒ None  ☐ Objections are as follows:
Date(s) consulted: April 11, 12, and 13, 2011

**FISCAL ANALYSIS (AS APPROPRIATE)**

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must fully implement all of the QEIA statute requirements to remain in the program.

The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded). However, in the last two years, the unused funds have reverted to the general fund.

**ATTACHMENT(S)**

Attachment 1: General Waiver Request (5 pages) (Original waiver request is signed and on file in the SBE Office or 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

Local educational agency:
Los Angeles Unified School District

Contact name and Title:
Parker Hudnut, Executive Director, Innovation and Charter Schools

Contact person’s e-mail address:
Parker.hudnut@lausd.net

Address: 333 S. Beaudry Ave.
(City) Los Angeles
(State) CA
(ZIP) 90017

Phone (and extension, if necessary): 213.241.8370
Fax Number: 213.241.4710

Period of request: (month/day/year)
From: 7/1/2011 To: 6/30/2015

Local board approval date: (Required)
May 24, 2011 kak 5/23/2011

Date of public hearing: (Required)
May 24, 2011 kak 5/23/2011

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 (5) (b) (2) (a) jb 5/23/11 Circle One: EC or CCR

Topic of the waiver: Extension for Full Implementation of Programmatic Requirements
Teacher Experience Index kak 5/23/2011

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): AMU – 4/12/2011, ACEA – 4/11/2011

Name of bargaining unit and representative(s) consulted: Asociacion de Maestros Unidos (AMU) – Arielle Zurzolo, President
Animo Classified Employees Association (ACEA) - Daymond Johnson, 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)

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:

Locke Launch to College Academy School Advisory Committee – consulted on 4/13/2011
Animo Locke 1 School Advisory Committee – consulted on 4/12/2011
Animo Locke 2 School Advisory Committee – consulted on 4/12/2011
Animo Locke 3 School Advisory Committee – consulted on 4/12/2011
Animo Locke ACE Academy School Advisory Committee – consulted on 4/11/2011
5. *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 FIFTH full year of funding:

52055.740 (D)(3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

52055.740 (D)(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.

6. 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 2008-2009, the operations of Locke High School were turned over from the Los Angeles Unified School District (“LAUSD”) to Green Dot Public Schools (“Green Dot”), a non-profit charter management organization. Due to the transition, a number of veteran Locke teachers chose to leave their position at Locke in order to maintain their seniority and lifetime benefits with LAUSD. Although Locke High School/Green Dot has concentrated its efforts in hiring more veteran teachers, we have been unable to do so due to the following factors: 1) unable to replace the senior teachers who left Locke to stay with LAUSD with the same amount of experience; 2) difficulty in hiring highly qualified teachers to fill vacant positions, especially in the fields of math, science and special education where there continues to be a shortage of highly qualified teacher candidates.

Due to these reasons, we cannot meet the full implementation of personnel requirements in the areas of HQT, El Authorizations (Williams) and the inherited LAUSD Teacher Experience Index (“TEI”) of 6.8 years that we are required to meet in 2010-11. Although Locke High School has been able to meet the 1/3 and 2/3 requirement over the last two years, we are unable to reach the full implementation requirement by year three as personnel changes within a union environment take more time than other programmatic changes, such as reducing class sizes and implementing more professional development.

This waiver is to request a two year extension to reach full implementation of programmatic requirements for each of the five Locke schools which currently receive QEIA funding. Additional interim benchmarks will be set and specific action steps will be outlined to ensure Locke High School will meet its full Teacher Experience Index, HQT, and Williams requirements by 2012-2013. Please see attached supplemental report which outlines improved outcomes in API, increased attendance and increased graduation rates.

Expected Outcome: Locke High School will maintain QEIA funding in 2011-12 and 2012-13 and will meet full QEIA programmatic requirements in 2012-13.

Consequences if not approved: Locke High School would lose QEIA funding in 2012-2013 resulting in layoffs of approximately 16 certificated staff. We would not be able to continue our commitment to developing exemplary school district and school practices that will create the working conditions and classroom learning environments that will attract and retain well qualified teachers, administrators, and other staff. Furthermore, there is a risk of reversing the improved academic results due to having to increase class sizes and to restructure the entire school.

7. Demographic Information:

The Locke QEIA Schools__ have a student population of __2,353__ 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.

Signature of Superintendent or Designee: Parker Hudnut, Executive Director

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:
Supplemental Information Re: Locke High School QEIA Waiver Request

The Locke Transformation Project is one of the most innovate reform efforts in public education today. It is a one-of-a-kind partnership between a non-profit charter school operator (Green Dot Public Schools), the stakeholders (teachers, parents, community leaders) of a public high school, and a public school district (Los Angeles Unified School District) to radically restructure an underperforming high school.

In 2008-2009, the Los Angeles Unified School District (“LAUSD”) handed over governance of Locke High School to the non-profit charter operator, Green Dot Public Schools (“Green Dot”) after the majority of tenured teachers voted to convert the school into a charter. Green Dot restructured Locke into five conversion charter schools, all of which currently receive QEIA funding.

Over the first two years of QEIA funding (2008-2009 and 2009-2010), Locke High School has been able to meet the one-third and two-thirds programmatic requirements specified in the Education Code Section 52055.700-52055.770 and per oversight of the Los Angeles County of Education office. By meeting these requirements, Locke has achieved the following outcomes:

1. Increased actual pupil attendance dramatically by over 10% from LAUSD to Green Dot:

<table>
<thead>
<tr>
<th>Operator</th>
<th>Year</th>
<th>ADA%</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAUSD</td>
<td>2007-2008</td>
<td>77.8%</td>
</tr>
<tr>
<td>Green Dot</td>
<td>2008-2009</td>
<td>87.8%</td>
</tr>
<tr>
<td>Green Dot</td>
<td>2009-2010</td>
<td>87.0%</td>
</tr>
<tr>
<td>Green Dot</td>
<td>2010-2011(YTD)</td>
<td>89.2%</td>
</tr>
</tbody>
</table>

2. Increased # of graduates by over 100 students each year and increased graduation rate by approximately 20%.

<table>
<thead>
<tr>
<th>Operator</th>
<th>Year</th>
<th>#of Graduates</th>
<th>#of Seniors</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAUSD</td>
<td>2007-2008</td>
<td>261</td>
<td>425</td>
<td>61.4%</td>
</tr>
<tr>
<td>Green Dot</td>
<td>2008-2009</td>
<td>399</td>
<td>487</td>
<td>81.9%</td>
</tr>
<tr>
<td>Green Dot</td>
<td>2009-2010</td>
<td>374</td>
<td>465</td>
<td>80.4%</td>
</tr>
</tbody>
</table>

3. Exceeded Schoolwide API growth Targets by a combined total of +90 points over the last two years:

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>School</th>
<th>Target</th>
<th>Annual</th>
<th>Target</th>
<th>Annual</th>
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</thead>
<tbody>
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<td>19-64733-1935154</td>
<td>Alain LeRoy Locke High School</td>
<td>+14</td>
<td>+24</td>
<td>+13</td>
<td>+35</td>
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<td>19-64733-0118588</td>
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<td>n/a</td>
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<td>+84</td>
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<td>19-64733-0118596</td>
<td>Amino Locke #2</td>
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<td>n/a</td>
<td>+11</td>
<td>+34</td>
</tr>
<tr>
<td>19-64733-0118570</td>
<td>Amino Locke #3</td>
<td>n/a</td>
<td>n/a</td>
<td>+15</td>
<td>-8</td>
</tr>
<tr>
<td>19-64733-0119909</td>
<td>Amino Locke ACE Academy</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>+14</td>
<td>+24</td>
<td>+55</td>
<td>+145</td>
</tr>
</tbody>
</table>

*Animo Locke #1, #2, and #3 did not have a growth API in 2008-09 because that was their first year of operation; Animo Locke ACE Academy did not have a growth API in 2008-09 and 2009-10 because their first year of operation was in 2009-2010.

Despite the strong results, the Locke schools are currently in jeopardy of losing their QEIA allocation based on not being able to meet the full implementation of programmatic requirements in 2010-2011. In 2010-2011, the Locke schools will meet all the QEIA implementation requirements except for the requirements related to personnel. The
transition of Locke High School from LAUSD to Green Dot forced several more veteran and qualified teachers to remain with LAUSD and leave teaching at Locke, bringing down Locke’s teacher experience index. Additionally, for Green Dot, filling those vacant positions proved difficult especially with the continued shortage of highly qualified teachers in the math, science and special education fields.

The Locke schools are committed to the QEIA requirements and are not asking to waive any requirements. Instead, we are actively seeking an extension to ensure all teachers have the appropriate credentials to meet HQT, hold the appropriate EL authorizations, and meet the inherited LAUSD Teacher Experience Index of 6.8 years. The Locke schools will meet all the QEIA requirements but we are requesting 2 additional years to meet the personnel requirements due to the major restructuring efforts that have been happening at Locke. Again, the Locke schools are beginning to show strong academic gains and we do not want to lose the momentum that the schools and the students have been able to gain through QEIA class size reduction, counselor ratios, and professional development for teachers.

As stated in the waiver, there are five the Locke schools requesting to extend the full implementation deadline by two years. The five schools are as follows:

<table>
<thead>
<tr>
<th>CDS Code</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-64733-1935154</td>
<td>Alain LeRoy Locke High School</td>
</tr>
<tr>
<td>19-64733-0118588</td>
<td>Amino Lock #1</td>
</tr>
<tr>
<td>19-64733-0118596</td>
<td>Amino Locke #2</td>
</tr>
<tr>
<td>19-64733-0118570</td>
<td>Amino Locke #3</td>
</tr>
<tr>
<td>19-64733-0119909</td>
<td>Amino Locke ACE Academy</td>
</tr>
</tbody>
</table>

Each school is requesting the full implementation extension in the following three personnel categories:

52055.740 (D)(3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

52055.740 (D)(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.

52055.740 (D)(5)(b)(4) Meet all of the requirements of the settlement agreement in Williams v. State of California (Case Number CGC-00-312236 of the Superior Court for the County of San Francisco)…

**HQT/NCLB:** Currently, there are five out of 117 teachers at the Locke schools who hold multiple subject credentials instead of a single subject credential. In order to ensure that we are able to meet the HQT requirement under NCLB, these teachers have until the end of the 2010-2011 school year to earn their single subject credential and become HQT under NCLB. To prevent future hires that are not HQT under NCLB, Green Dot has a credential specialist in our central office who reviews every candidate to ensure full compliance before an offer is extended.

**Teacher Experience Index:** In 2008-2009, Locke’s QEIA Teacher Experience Index (“TEI”) was 3.2. Over the last two years, the TEI has steadily increased to 3.9 in 2009-2010 and is expected to reach 4.7 for 2010-2011. The Green Dot wide QEIA TEI is currently 5.1. As a younger organization than LAUSD, teachers naturally have not been teaching as long with Green Dot. Furthermore, as mentioned earlier, the

Locke transition from LAUSD to Green Dot resulted in a number of veteran Locke teachers who were offered to remain and teach at Locke decline the offer due to the fact they would lose their seniority and lifetime benefits with LAUSD by transferring over to Green Dot.
All of our administrators have been informed of the need to hire more experienced teachers. The Green Dot Human Capital department is reviewing the current staffing of the Locke schools to determine each school’s hiring needs in the core content areas and ensuring that experienced candidates are placed at these sites.

**Williams Settlement/Teacher Assignment Review:** Similar to HQT/NCLB, all teachers with mis-assignments have been given until the end of the 2010-2011 school year to ensure they have the proper authorization. Additionally, our credential specialist is conducting an ongoing audit of our existing teachers to ensure that they are CLAD certified as well as teaching the proper course of study. All new Green Dot teacher candidates will not be extended an offer unless they have the proper authorization in order to teach a course of study.

The Locke schools are committed to ensuring they meet the QEIA requirements and have specific action steps to ensure (within the next two years) that all teachers have the appropriate credentials to meet HQT, hold the appropriate EL authorizations, and meet the inherited LAUSD Teacher Experience Index of 6.8 years within two years. The results demonstrate that Locke has made progress and has even exceeded the desired student achievement outcomes that the QEIA legislation intended for schools to achieve. By allowing the programmatic requirements extension in the personnel categories, Locke will be able to maintain 16 certificated positions which would otherwise need to be cut and will be able to continue serving the students of South Los Angeles and Watts with a program that is proving to generate results.
<table>
<thead>
<tr>
<th>General Waiver</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBJECT</strong></td>
</tr>
<tr>
<td>Request by Mountain Empire Unified School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Clover Flat Elementary School (requesting revised goal of 5.78).</td>
</tr>
<tr>
<td><strong>Waiver Number:</strong> 37-3-2011</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>RECOMMENDATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Approval with conditions</td>
</tr>
</tbody>
</table>

The California Department of Education (CDE) recommends approval with the following conditions: (1) This waiver applies only to teachers at Clover Flat Elementary School (ES); (2) Clover Flat ES maintain the average Teacher Experience Index (TEI) at the school level to 5.78 or greater in the 2010–11 school year; (3) Throughout the term of this waiver, Clover Flat ES must meet or exceed the district average TEI for this type of school; and (4) Within 30 days of approval of this waiver, Mountain Empire Unified School District (USD) must provide to the CDE a description, including costs covered by Quality Education Investment Act (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.

<table>
<thead>
<tr>
<th>SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the QEIA to the SBE. Of that number:</td>
</tr>
</tbody>
</table>

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.
SUMMARY OF PREVIOUS (Cont.)

This is the first time waivers requesting revision of the TEI have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department is recommending approval for this school based on the fact that the school’s average 2010-11 TEI is within ten percent of the average 2010–11 TEI for this type of school within Mountain Empire Unified School District.

Mountain Empire USD is a rural school district located in San Diego County. Clover Flat ES serves students in grades two through eight. Mountain Empire USD has a student population of approximately 2,400 students. The district provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average district TEI is 7.2. Clover Flat ES is the only school in the district with a grade configuration of two through eight so no comparative TEI data is available for 2010–11.

The district states that, because of its remote location and lack of decent housing, hiring qualified experienced teachers is very difficult. Teachers generally work at Clover Flat ES for one or two years and move to a more desirable area. The district has looked into the possibility of moving some experienced teachers from other schools, but this has been difficult due to morale and union issues. Mountain Empire USD requests a waiver of the QEIA TEI targets for Clover Flat ES and establishment of an alternative TEI target of 5.78 which is based on 2010–11 TEI levels.

The Department recommends approval with the above conditions.
SUMMARY OF KEY ISSUES (Cont.)

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in California Education Code (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 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; or (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: Clover Flat Elementary School has a student population of 158 students and is located in a rural area in San Diego County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 29, 2012

Local board approval date(s): March 8, 2011

Public hearing held on date(s): March 8, 2011

Bargaining unit(s) consulted on date(s): February 4, 2011

Name of bargaining unit/representative(s) consulted: Mountain Empire Teachers Association, Mari Mann, Union 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

Advisory committee(s) consulted: Clover Flat Elementary School – Schoolsite Council

Objections raised (choose one):

- [x] None
- [ ] Objections are as follows:

Date(s) consulted: November 17, 2010
FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, Clover Flat ES 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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (5 pages) (Original waiver request is signed and on file in the SBE Office or 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

---

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>3</th>
<th>7</th>
<th>6</th>
<th>8</th>
<th>2</th>
<th>1</th>
<th>3</th>
</tr>
</thead>
</table>

Local educational agency:  
**Mountain Empire Unified School District for Clover Flat Elementary**

| Contact name and Title: | jb 4/1/11 | Contact person’s e-mail address:  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbara Cowling, Principal</td>
<td>Steve Van Zant, Superintendent</td>
<td><a href="mailto:bcowling@meusd.net">bcowling@meusd.net</a></td>
</tr>
</tbody>
</table>

<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>3291 Buckman Springs Road, 39639 Old Highway 80,</td>
<td>Pine Valley, Ca</td>
<td>91962</td>
<td>(619) 766-4655</td>
<td></td>
</tr>
<tr>
<td>39639 Old Highway 80, Boulevard, Ca</td>
<td>91905</td>
<td>Fax Number: (619) 766-4537</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** 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 Clover Flat 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______  
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? **No** _X_ **Yes**  
If yes, please complete required information below:

<table>
<thead>
<tr>
<th>Bargaining unit(s) consulted on date(s):</th>
<th>Mountain Empire Teachers Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/4/11</td>
<td>Mari Mann, Union President</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of bargaining unit and representative(s) consulted:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountain Empire Teachers Association</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The position(s) of the bargaining unit(s):</th>
<th>Support</th>
<th>Oppose (Please specify why)</th>
</tr>
</thead>
<tbody>
<tr>
<td>___Neutral</td>
<td><em>X</em> Support</td>
<td>__ Oppose</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments (if appropriate):</th>
</tr>
</thead>
<tbody>
<tr>
<td>The representative supports keeping the QEIA grant but wants to work with administration to</td>
</tr>
</tbody>
</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>
</tr>
</thead>
<tbody>
<tr>
<td>___ Notice in a newspaper</td>
</tr>
</tbody>
</table>

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

<table>
<thead>
<tr>
<th>Clover Flat Elementary Schoosite Council</th>
<th>kak 3/18/11</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date the committee/council reviewed the waiver request:</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 17, 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Were there any objection(s)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No <em>X</em> Yes ____ (If there were objections please specify)</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). 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.

Clover Flat School is a small, rural school. There are only eight teachers plus a part-time resource teacher (RSP). While three of these teachers have more than 10 years experience (Ferguson – 22; Morris -15; Burton – 14), the other teachers have less experience than the teacher experience index of 7.5 years.

Clover Flat is situated in the small town of Boulevard, population 1454. Boulevard is approximately 35 miles from Alpine and 50 to El Centro, which are the closest towns to us. Boulevard is 65 miles from San Diego. 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. This year alone, the math position was offered to three teachers before we were able to find Mr. Goodson, who is our math teacher. There were several applicants for the fifth and second grade teacher positions open this year. Ms. Burton has 14 years of experience, who we were able to hire from Alpine but the second grade opening has a teacher with only two years of experience. The other applicants had even less experience.

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 Clover Flat 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 Boulevard would add many miles to their commute.

"In 2007-08 our TEI was 3.5, in 2008-09 our TEI was 5.0, in 2009-2010 our TEI was 5.5. Our projection of TEI for 2010-2011 is 5.78, which falls short of the 7.6 district average. Despite not meeting the TEI averages, Clover Flat continues to increase our TEI, is meeting CSR targets, has made academic growth as evidence of the API which has grown from 763 to 825 during the 3 years of the QEIA grant, and our staff capacity is building through our professional growth. The staff is committed to the work of the QEIA grant even though meeting TEI has been challenging.

Clover Flat Elementary School requests a waiver to not be held to the TEI of 7.6 years. This is a challenge that we cannot meet at this time."

8. Demographic Information:

(District/school/program) Clover Flat School has a student population of 158 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.

Signature of Superintendent or Designee: Title: Superintendent 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></td>
</tr>
<tr>
<td>Unit Manager (type or print)</td>
<td>Unit Manager Signature:</td>
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</tr>
<tr>
<td>Division Director (type or print)</td>
<td>Division Director Signature:</td>
<td></td>
</tr>
<tr>
<td>Deputy (type or print)</td>
<td>Deputy Signature:</td>
<td></td>
</tr>
</tbody>
</table>
Clover Flat Elementary School - QEIA Targets and Calculations of Class Size Averages in Recent Years

Up until the 2008-09 school year this school served only through 6th grade however starting in 2009-10 a 7th grade was be added, and 8th grade will add in 2010-11. The 7th grade target (below *) was derived from the only middle school in the district, Mountain Empire Middle School.

Class Sizes at Clover Flat Elementary School, 2005-06 – BASE YEAR

<table>
<thead>
<tr>
<th>Grade level</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
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<tbody>
<tr>
<td>Actual Class size</td>
<td>23</td>
<td>29</td>
<td>25</td>
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<tr>
<td>Statutory CSR Target</td>
<td>18</td>
<td>24</td>
<td>20</td>
<td>17.7*</td>
<td></td>
</tr>
</tbody>
</table>

(Average class size in grades 4 through 6 at PES in 2005-06: 28)

Class Sizes at Clover Flat Elementary School, 2006-07

<table>
<thead>
<tr>
<th>Grade level</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Class size</td>
<td>20</td>
<td>24</td>
<td>32</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

(Average class size in grades 4 through 6 at PES in 2006-07: 28)

Class Sizes at Clover Flat Elementary School, 2007-08

<table>
<thead>
<tr>
<th>Grade level</th>
<th>4</th>
<th>5</th>
<th>4/5/6</th>
<th>6</th>
<th>7</th>
<th>8</th>
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<tbody>
<tr>
<td>Actual Class size</td>
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<td>19</td>
<td>12</td>
<td>19</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

(Average class size in grades 4 through 6 at PES in 2007-08: 17.5)

Class Sizes at Clover Flat Elementary School, 2008-09

<table>
<thead>
<tr>
<th>Grade level</th>
<th>3/4</th>
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<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Class size</td>
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<td>17</td>
<td>20.4</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

(Average class size in grades 4 through 6 at PES in 2008-09: 19.7)

Class Sizes at Clover Flat Elementary School, 2009-10

<table>
<thead>
<tr>
<th>Grade level</th>
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<th>5/6</th>
<th>6</th>
<th>7</th>
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<tbody>
<tr>
<td>Actual Class size</td>
<td>21</td>
<td>23</td>
<td>19</td>
<td>22</td>
<td>20</td>
<td>0</td>
</tr>
</tbody>
</table>

(Average class size in grades 4 through 7 at PES in 2009-10: 21)

Waiver Request:
Clover Flat Elementary School requests a waiver to not be held the TEI of 7.6 years. This is a challenge that we cannot meet at this time.
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT

Request by Petaluma City Elementary School District to waive portions of California Education Code Section 52055.740(a), regarding Teacher Experience Index requirements under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at McKinley Elementary School (requesting revised goal of 6.48).

Waiver Number: 4-4-2011

RECOMMENDATION

☐ Approval  ☐ Approval with conditions  ☑ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.

- 7 were related to adding new schools to the QEIA program: 2 were approved and 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the Teacher Experience Index (TEI) have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full
SUMMARY OF KEY ISSUES (Cont.)

implementation of program requirements. Monitoring for compliance with second-year program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The CDE recommends denial of this request based on three factors: (1) QEIA program requirements were known to the district prior to its decision to apply for program participation; (2) QEIA funding is expected to result in increased teacher experience over time and the QEIA school is below the district average for this type of school; and (3) The revised TEI request is greater than 10 percent of the district’s 2010–11 TEI average for this type of school.

Petaluma City ESD is an urban school district located in Sonoma County. McKinley Elementary School (ES) was reconfigured in 2010–11 from a kindergarten through grade six school to a grade four through six school to better serve students. Petaluma City ESD has a student population of approximately 2,400 students. Petaluma City ESD provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average Petaluma City ESD TEI was 7.2. Petaluma City ESD’s average TEI for 2010–11 for this type of school is 8.5.

Petaluma City ESD states that several experienced teachers transferred to the kindergarten through grade three school because of the reconfiguration and this left four certificated positions to be filled. Petaluma City ESD advertised the positions as requiring at least five years of experience; however, they were unable to find four applicants that met their teaching standards. Petaluma City ESD made the decision to hire teachers with less than five years experience and this ultimately affected the TEI at McKinley ES. Petaluma City ESD requests a waiver of the QEIA TEI target for McKinley ES and establishment of an alternative TEI target of 6.48 which is based on 2010–11 TEI levels. The 2010–11 TEI alternative of 6.48 for McKinley ES is less than Petaluma City ESD’s 2010–11 TEI average of 8.5 for this type of 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 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 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; or (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:** McKinley Elementary School has a student population of 212 students and is located in a small city in Sonoma County.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2010, to June 30, 2014

**Local board approval date(s):** March 15, 2011

**Public hearing held on date(s):** March 15, 2011

**Bargaining unit(s) consulted on date(s):** March 9 and 10, 2011

**Name of bargaining unit/representative(s) consulted:** Petaluma Federation of Teachers, Ted Russo, 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

**Advisory committee(s) consulted:** Petaluma City School – Schoolsite Council

**Objections raised (choose one):**
- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** February 10, 2011
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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
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
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: Petaluma City Schools
Contact name and Title: Steve Bolman, Deputy Superintendent Business / Administration
Contact person’s e-mail address: steveb@pet.k12.ca.us

Address: 200 Douglas Street, Petaluma, CA 94952

Period of request: (month/day/year) 7/1/2010
From: 8/13/10 To: 6/30/14
Local board approval date: March 15, 2011
Date of public hearing: March 15, 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): 52055.730d, 52055.740D4 and 52055.750a10 Circle One: EC or CCR

Topic of the waiver: QEIA Teacher Years of Experience

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): March 9, 2011 and March 10, 2011
Name of bargaining unit and representative(s) consulted: Petaluma Federation of Teachers / Ted Russo, PFT 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:

Petaluma City School Site Council _kak 4/7/11 per S. Merrill
Date the committee/council reviewed the waiver request: 2/10/11

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*).

52055.730d, 52055.740D4 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.

52055.750a10

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 are requesting a waiver regarding the required years of experience. Our district average is 7.2 years of experience. This year we reconfigured the school from a K-6 school to a 4-6 school to better serve our students. In the reconfiguration several experienced teachers transferred to the K-3 school, leaving four certificated positions that had to be filled. Human Resources advertised the job as requiring at least five years of experience which would have allowed us to comply with the requirement of matching the district average; however after interviewing sixteen applicants, we were unable to find four applicants that met our teaching standards. Since we were unable to fill the positions before school started in August, we started school with a substitute teacher. In September we made the decision to hire a teacher with less than five years experience and currently our teachers’ average years of experience is 6.8, slightly below the district average of 7.2. In the three years that we have been receiving QEIA funds, students in the classes of the three teachers at the site with the lowest number of years of experience (three, four, and five years respectively) have shown the greatest growth in achievement. Given the many teacher lay offs in California, an experienced teacher is not inclined to give up a permanent position to take another job with no job security. In addition, many excellent teachers with less than five years experience who have been laid off are applying for positions. We are seeking a waiver to allow us to drop below the district average years of teaching experience in order to fill positions with high quality teachers.

8. **Demographic Information:**

McKinley School has a student population of 212 and is located in a small city in Sonoma County. Approximately 80% of our students are second language learners and 93% receive free/reduced lunch.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No X Yes □</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</td>
<td>No X 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: Superintendent</th>
<th>Date: March 30, 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>
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT

Request by San Diego Unified School District to waive portions of California Education Code Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act, that this funded school have an average experience index of classroom teachers in the school equal to or exceeding the average for the school district by the end of the 2010–11 school year at Mann Middle School (requesting revised target of 5.5).

Waiver Number: 13-5-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California Education Code (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

From March 2009 through the July 2011 State Board of Education (SBE) Meeting, the CDE Waiver Office has presented 37 waivers related to the Quality Education Investment Act (QEIA) to the SBE. Of that number:

- 30 were related to QEIA class size reduction (CSR) requirements: 25 were approved with conditions, 4 were denied, and 1 was postponed.
- 7 were related to adding new schools to the QEIA program: 2 were approved, 3 were approved with conditions, and 2 were withdrawn.

This is the first time waivers requesting revision of the Teacher Experience Index (TEI) have been received by the CDE Waiver Office and presented to the SBE.

SUMMARY OF KEY ISSUES

Schools participating in QEIA were monitored by their county offices of education for compliance with program requirements, including TEI, for the first time at the end of the 2008–09 school year. They were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year
SUMMARY OF KEY ISSUES (Cont.)

program requirements was recently completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year.

Quality Education Investment Act schools are required to include an index that uses 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. The index is approved by the district superintendent and the process designates teaching experience on a scale of one to ten. QEIA schools are required to 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 and maintain or exceed this experience level for the duration of funding.

The Department recommends denial of this request based on three factors: (1) QEIA program requirements were known to the district prior to its decision to apply for program participation; (2) QEIA funding is expected to result in increased teacher experience over time and the QEIA school is below the district average for this type of school; and (3) The revised TEI request is greater than 10 percent of the district’s 2010–11 TEI average for this type of school.

San Diego USD is an urban school district located in San Diego County. Mann Middle School (MS) serves students in grades six through eight. San Diego USD has a student population of 131,466 students. The district provided teacher experience information from 2005–06, the base year upon which QEIA TEI targets are calculated, showing that the average district TEI is 6.6. The district’s average TEI for 2010–11 for this type of school is 8.22.

The district states that due to the restructuring of Mann MS, the effects of the reconfiguration resulted in a mass departure of most of the staff members at the school. Few experienced teachers applied for the vacancies which resulted in Mann MS hiring newer teachers who had less than three years of teaching experience at the time. Mann MS has maintained a stable teaching staff for the past three years, but is still below the district TEI level. San Diego USD requests a waiver of the QEIA TEI target for Mann MS and establishment of an alternative TEI target of 5.5 which is based on 2010–11 TEI levels. The 2010–11 TEI alternative target of 5.5 for Mann MS is less than the district’s 2010–11 TEI average of 8.22 for this type of school.
SUMMARY OF KEY ISSUES (Cont.)

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 schoolsite council did not approve the request; (2) 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; (3) The waiver affects a program that requires the existence of a schoolsite council and the 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; or (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: Mann Middle School has a student population of 1,000 students and is located in urban San Diego County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2010, to June 30, 2011

Local board approval date(s): February 22, 2011

Public hearing held on date(s): February 22, 2011

Bargaining unit(s) consulted on date(s): March 28, 2011

Name of bargaining unit/representative(s) consulted: San Diego Education Association, Bill Freeman, 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 – Posted on district Web site

Advisory committee(s) consulted: Mann Middle School, Schoolsite Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 1, 2011
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. Through 2009–10, schools found to have not met all program requirements will have one year to correct all shortcomings. If at the end of that year a school is still out of compliance with program requirements, it will be subject to funding termination. After 2010–11, schools found to have not met all program requirements will face potential termination of 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). However, in the last two years, the unused funds have reverted to the general fund.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or 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

Local educational agency:
San Diego Unified School District

Contact name and Title:
Ron Rode
Executive Director, Office of Accountability

Contact person’s e-mail address:
rrode@sandi.net

Address:                                         (City) (State) (ZIP)
4100 Normal Street, Room 2232, San Diego, CA 92103

Phone (and extension, if necessary):
619-725-7190
619-725-7180

Fax Number:  619-725-7180

Period of request: (month/day/year)
July
From: August 1, 2010 To: June 30, 2011

Local board approval date: (Required)
February 22, 2011

Date of public hearing: (Required)
February 22, 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: X EC or CCR

Topic of the waiver: Quality Education Investment Act (QEIA) Teacher Experience Index

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): March 28, 2011 per Elizabeth Kramer jb 5/12/11

Name of bargaining unit and representative(s) consulted:
San Diego Education Association: Bill Freeman, 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 _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:
Mann Middle School Site Council

Date the committee/council reviewed the waiver request: February 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).

EC Section 52055.740 (a)(4)

(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.

On behalf of Mann Middle School, the San Diego Unified School District requests an adjustment in the QEIA Teacher Experience Index target for 2010-11 school year, from 6.6 to 5.5 years of average teacher experience.

Mann Middle School has 57 teachers with 453 actual years of experience collectively. This is an average of 7.9 years. However, using the QEIA Teacher Experience Index, the average years of teaching experience is 5.7.

<table>
<thead>
<tr>
<th>2010-11 School Year</th>
<th>Actual Years Experience for 57 teachers</th>
<th>QEIA TEI Adjusted Years for 57 teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Years of teaching experience</td>
<td>453</td>
<td>324</td>
</tr>
<tr>
<td>Average</td>
<td>7.95 years</td>
<td>5.68 years</td>
</tr>
</tbody>
</table>

SEE ATTACHED PAGES  jb 8/19/11

8. Demographic Information:
San Diego Unified School District has a student population of 131,466 and is located in an urban 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: [Signature]
Title: Executive Director, Office of Accountability
Date: February 22, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print): [Signature] Date:

Unit Manager (type or print): [Signature] Date:

Division Director (type or print): [Signature] Date:

Deputy (type or print): [Signature] Date:
ITEM W-29
REQUEST BY Norwalk-La Mirada Unified School District TO WAIVE ALL OF CALIFORNIA EDUCATION CODE SECTIONS 17473 AND 17474 AND PORTIONS OF 17466, 17472, AND 17475 REGARDING COMPETITIVE BIDDING PROCESS FOR THE LEASE OF A SURPLUS PROPERTY (UNUSED FORMER SCHOOL PROPERTY).

THE DISTRICT HAS ENTERED INTO A LONG-TERM LEASE WITH BIOLA UNIVERSITY FOR APPROXIMATELY HALF OF 8.8 ACRES LOCATED AT 14540 SAN CRISTOBAL DRIVE, LA MIRADA, AND WISHES TO LEASE THE BALANCE OF FACILITY AND LAND USING NON-COMPETITIVE BIDDING.

Waiver Number: 48-6-2011

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: the proposal the governing board determines is most desirable shall be selected within 30 to 60 days of the public meeting when the proposals are received, and the reasons for that determination shall be identified in public session and included in the minutes of the meeting. Additionally, the district must comply with the surplus property requirements, regarding offers to public agencies and non-profits, specified in California Education Code (EC) sections 17464 through 17465, and 17485 et seq.

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 of surplus property or lease of surplus property. The Norwalk-La Mirada Unified School District (USD) is requesting to waive the same provisions for the lease of surplus property.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the Norwalk-La Mirada USD requests that specific portions of the EC sections relating to lease of district property be waived. The district believes it will benefit substantially from the potential ongoing cash flow that will be generated by a negotiated lease arrangement.
SUMMARY OF KEY ISSUES (Cont.)

The following specific waiver (strike out) is requested:

*Education Code Section 17466.* Before ordering the sale or lease of any property the governing board, in a regular open meeting, by two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

The district is requesting that the requirement of sealed proposals to purchase or lease the property be waived, allowing the district to negotiate a lease of the site that will be most beneficial to the district.

*Education Code Section 17472.* At the time and place fixed in the resolution for the meeting of the governing board, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which the Board determines represents the most desirable lease of the property shall be is the highest, after deducting there from the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

Waiving this portion would allow the district to determine what constitutes the most desirable bid, set its own terms and conditions, and would remove the requirement that an oral bid be accepted.

*Education Code Section 17473.* Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.

SUMMARY OF KEY ISSUES (Cont.)

Waiving this portion would allow the Norwalk-La Mirada USD to eliminate the oral
bidding process.

*Education Code* Section 17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.

Waiving this portion, related to the oral bidding process, eliminates technical language related to commissions paid to brokers who procure the winning oral bid.

*Education Code* Section 17475. The final acceptance by the governing board may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next 30 to 60 days following.

Waiving this portion would require that the district board wait to award the final bid 30 to 60 days after the meeting at which the bids are opened. The district would not be allowed to make the decision at the same meeting, nor within 10 days of opening the bid, as stated in the statute. This will allow extra time for review of the bids by the district staff, board members, and the public, before a final decision is made. In addition, when the governing board determines the most desirable bid, the reasons for that determination shall be identified in public session, and included in the minutes of that meeting.

The Department recommends approval of this waiver with conditions as stated in the recommendation (front page).

**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:** Norwalk-La Mirada Unified School District has a student population of 24,000 and is located in an urban area in Los Angeles County.
Authority for Waiver: EC Section 33050

Period of request: September 7, 2011, to September 6, 2012

Local board approval date(s): March 14, 2011

Public hearing held on date(s): March 14, 2011

Bargaining unit(s) consulted on date(s): Teachers Association of Norwalk-La Mirada on June 21, 2011, and California School Employees Association, Norwalk-La Mirada Chapter 404 on June 21, 2011.

Name of bargaining unit/representative(s) consulted: Teachers Association of Norwalk-La Mirada/Laura Williams, President and California School Employees Association/John Coleman, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☑ Support ☐ Oppose: [If there is more than one union, make it clear which position is to which union!]

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: District Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 24, 2011

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: General Waiver Request (3 pages) (Original waiver request is singed and on file in the SBE Office or the Waiver Office.)
## 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/**

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:
Norwalk-La Mirada Unified School District

### Contact name and Title:
Isela Vazquez, Director, Facilities, Planning & Construction

### Contact person’s e-mail address:
Ivazquez@nlmusd.k12.ca.us

### Address:
12820 Pioneer Boulevard, Norwalk, CA 90650-2894

### Local board approval date: (Required)
March 14, 2011

### Date of public hearing: (Required)
March 14, 2011

### Period of request: (month/day/year)
From: 09/07/2011 to 09/06/2012

### 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):**  
Circle One: **EC** or **CCR**

   - EC sections 17466, 17472 and 17475 (partial waiver); 17473, 17474 (complete waiver)

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.

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):** June 21, 2011

   **Name of bargaining unit and representative(s) consulted:** Teachers Association of Norwalk-La Mirada (Laura Williams, President); California School Employees Association, Norwalk-La Mirada Chapter 404 (John Coleman, 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:**

   **District Advisory Committee per I. Vasquez kak 7/11/11**

   **Date the committee/council reviewed the waiver request: February 24, 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.

The Norwalk-La Mirada Board of Education ("Board") adopted a resolution on September 27, 2010 declaring its intention to lease surplus property located at 14540 San Cristobal Drive, La Mirada (the "Property"). The Property is located on approximately 8.8 acres in a residential area of the City of La Mirada. There are six former school buildings on the Property with a total square footage of approximately 30,300. The Board used the services of an outside asset management firm to prepare a Request for Proposal to Lease Surplus School Property ("RFP"). The RFP was published and aggressively advertised by an outside asset management firm. Only two sealed bids were received and opened at the December 13, 2010 Board meeting, and after calling for oral overbids, no oral bids were received. Of the two bids received, only the bid from Biola University was responsive. The Board accepted the bid from Biola University for the lease of one-half of the Property. Given that any lease of the remainder of the Property will comprise only a portion of the Property and buildings and will need to be compatible with Biola University’s intended use of the Property, the District’s outside asset management consultant believes maximizing proceeds from a lease of the remainder of the Property will most likely be achieved through a request for proposal process that does not require compliance with the public bidding requirements contained in the Education Code. The outside consultant also believes the services of an outside real estate broker to market the Property without the public bidding requirements will be essential in maximizing lease revenues. During these difficult economic and budgetary times, maximizing surplus proper lease revenues is critical to the District ongoing fiscal health.

8. Demographic Information:

9. District has a student population of **24,000** and is located in an urban area 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.

<table>
<thead>
<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Director, Facilities, Planning &amp; Construction</th>
<th>Date: June 29, 2011</th>
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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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Education Code Section 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it, and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

Education Code Section 17472. At the time and place fixed in the resolution for the meeting of the governing board, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which the Board determines represents the most desirable lease of the property shall be the highest, after deducting there from the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

Education Code Section 17473. Entire section (regarding oral bids) to be waived.

Education Code Section 17474. Entire section to be waived.

Education Code Section 17475. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 10 days 30 to 60 days next following.
ITEM W-30
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

☐ General Waiver

SUBJECT

Request by Montebello Unified School District to waive portions of the California Education Code Section 15282, regarding term limits for members of a Citizens' Oversight Committee for all construction bonds in the district.

Waiver Number: 15-6-2011

☐ Action

☐ Consent

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval of a renewal with the following conditions that four of the current members of the Citizens’ Oversight Committee (COC) be allowed to continue for an additional two-year term. The waiver will end on or before January 31, 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 fifteen waivers similar to this request since 2007.

SUMMARY OF KEY ISSUES

Under the provisions of EC sections 33050 through 33053, the Montebello Unified School District (USD) requests that specific language of EC Section 15282(a) relating to term limits for members of a COC be waived as follows:

Education Code Section 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.

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.
SUMMARY OF KEY ISSUES (Cont.)

The Montebello USD requests to retain four of the current members of the COC for an additional two-year term. These members were approved by the Montebello USD in February of 2009. The term of these members expired January 30, 2011.

The extension of time would allow the continued participation of these experienced members and would aid the district in its efforts to successfully manage school construction and modernization funds. The current members have worked diligently and have effectively aided the district in ensuring compliance with the statutory requirements of Proposition 39 bond school construction projects.

The district states that it has made numerous attempts and has done extensive outreach within the community to recruit new members but has been unsuccessful. The district will continue to recruit members to the COC.

The Department recommends approval of this waiver request for four members as can be seen on Attachment 2.

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: Montebello Unified School District has a student population of 35,000 and is located in an urban city in Los Angeles County.

Authority for Waiver: EC Section 33050

Period of request: February 1, 2011, to January 31, 2013

Local board approval date(s): December 16, 2010

Public hearing held on date(s): December 16, 2010
Bargaining unit(s) consulted on date(s): California School Employees Association (CSEA) and Montebello Teachers Association (MTA) were consulted on December 14, 2010.

Name of bargaining unit/representative(s) consulted:
California School Employees Association/John Adargaz, President;
Montebello Teachers Association/Dianne Stevens, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☑ Support ☐ Oppose:

Public hearing advertised by (choose one or more):
☑ posting in a newspaper ☑ posting at each school ☐ other (specify) Noticed at district office.

Advisory committee(s) consulted: Citizens’ Bond Oversight Committee

Objections raised (choose one): ☑ None ☐ Objections are as follows:

Date(s) consulted: November 15, 2010

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 2: Citizens’ Oversight Committee Appointments (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: ___  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: Montebello Unified School District
Contact name and Title: Cheryl A. Plotkin, Assistant Superintendent Business Services
Contact person’s e-mail address: Plotkin_cheryl@montebello.k12.ca.us
Address: 123 S. Montebello Blvd. Montebello CA 90640
Phone (and extension, if necessary): (323) 887-3194
Fax Number: (323) 887-3177

CD CODE
1 9 6 4 8 0 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): 15282(a)  Circle One: (EC) or CCR

Topic of the waiver: Term Limit(s) for Member(s) of the Citizens Bond Oversight Committee

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 14, 2010 --
California School Employees Association (CSEA) / Montebello Teachers Association (MTA) kak 6/16/11

Name of bargaining unit and representative(s) consulted: John Adargaz, President (CSEA) / Dianne Stevens, President, (MTA) kak 6/16/11
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) Discussed at CBOI meeting 6/29/11 SFH

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: Citizens Bond Oversight Committee / November 15, 2010

Were there any objection(s)? No X Yes ___ (If there were objections please specify)

Date: 15-6-2011  Attachment 1  Page 1 of 2
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**).

<table>
<thead>
<tr>
<th>Section 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.</th>
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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.

The Montebello Unified School District (“District”) requests that specific language in a subsection of the *EC*, relating to term limits for members of a Bond Oversight Committee, referred to in the *EC* as a “Citizens’ Oversight Committee” be waived for the purpose of retaining the current membership (three members) whose terms expire on January 30, 2011, for one additional two-year term.

While numerous attempts to recruit new members to the Citizens’ Bond Oversight Committee (CBOC) have been made, our efforts thus far, have been unsuccessful. Nonetheless, the District will continue to recruit members to the CBOC. Until such time that new members can be obtained, and in order to remain compliant with the *EC*, we are submitting this waiver.

The current membership has diligently and effectively aided the District in ensuring compliance with the statutory requirements of Proposition 39 bond school construction projects. The approval of this waiver would allow for the continued participation of these experienced members and will aid the District in its efforts to successfully manage school construction and modernization funds.

The District wants to retain the current membership for a period of two years, less one day so that *EC 33051(c)* will not apply. The length of the term would be from February 1, 2011 to January 31, 2013.

8. Demographic Information:

Montebello USD has a student population of __35,000__ and is located in an urban city in Los Angeles County. 

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<th>Is this waiver associated with an apportionment related audit penalty? (per <em>EC 41344</em>)</th>
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<td>No □ Yes □</td>
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(If yes, please attach explanation or copy of audit finding)

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<th>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</th>
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<td>No □ Yes □</td>
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(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>
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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
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<tr>
<td>Assistant Superintendent, Business Services</td>
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

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Montebello Unified School District
Citizens’ Oversight Committee

The following four member’s terms ended January 30, 2011:

Yvette Fimbres (At-large)
Darrell Heacock (Business Organization)
Daniel Villanueva (Parent)
Willard Yamaguchi (At-large)
ITEM W-31
### Specific Waiver

**SUBJECT**

Request by Surprise Valley Joint Unified School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, allowing one joint schoolsite council to function for four small schools: Surprise Valley Jr/Sr High School, Surprise Valley Elementary School, Surprise Valley Community Day School, and Great Basin Continuation High School.

Waiver Number: 37-5-2011

### RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following condition: the schoolsite council (SSC) shall be composed of the high school principal, one teacher from Surprise Valley Jr/Sr High School (HS), one teacher from Surprise Valley Elementary School (ES), one teacher from Surprise Valley Community Day School (CDS), one teacher from Great Basin Continuation High School (CHS), one school staff member from Surprise Valley ES, one parent or community member representing Surprise Valley Jr/Sr HS, one parent or community member representing Surprise Valley ES, one parent or community member representing Surprise Valley CDS and Great Basin CHS, and three high school students representing Surprise Valley Jr/Sr HS and Great Basin CHS.

### 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 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. This is a renewal waiver.

All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852. Pursuant to the SBE Waiver Policy: Schoolsite Councils for Small Schools Sharing Common Services or Attendance Areas Web document at [http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicy.doc](http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicy.doc), schools must have small numbers of students and teachers and have a common site administration, curriculum, or other shared services, or have a geographic proximity or similar student populations.
SUMMARY OF KEY ISSUES

Surprise Valley Jr/Sr HS has a student population of 38 students. Great Basin CHS has a student population of five students and employs one teacher. Surprise Valley ES has a student population of 88 and employs one teaching principal and eight teachers. Surprise Valley CDS has a student population of six and shares one principal and teacher with Surprise Valley ES. Surprise Valley ES and Surprise Valley CDS are on the same campus and share teachers and maintain the same curriculum. All four schools are within one to two blocks of each other.

The combined SSC will identify and address the unique student and program requirements at each school. The Department recommends approval with the above stated conditions.

Demographic Information: Surprise Valley Joint Unified School District has a total student population of 137 and is located in rural Modoc County.

Authority for Waiver: EC Section 52863

Period of request: August 30, 2011, to August 30, 2013

Local board approval date(s): May 12, 2011

Bargaining unit(s) consulted on date(s): May 10, 2011

Name of bargaining unit/representative(s) consulted: Heather Bordwell, Site Shop Steward and Randy Quick, Site Shop Steward, Local 139, Teamsters.

Position of bargaining unit(s) (choose only one):

☐ Neutral  ☒ Support  ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Surprise Valley School Site Council

Objections raised (choose one): ☒ None  ☐ Objections are as follows:

Date(s) consulted: May 16, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the CDE Waiver Office.)
WAIVER GUIDELINES

Schoolsite Councils for Small Schools Sharing Common Services or Attendance Areas

REFERENCES: Authority: California Education Code (EC) Section 52863.

Purpose: To waive provisions of EC 52852.

HISTORICAL NOTES

A pre-existing SBE Policy exists currently, but is un-dated. This will revise that policy.

Statutory Provisions:

EC Section 52852 reads as follows:

A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents, or other community members selected by parents, and pupils.

At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

Background:

Using the above statutory requirements an Elementary Schoolsite Council would have to consist of at least 10 people: 1 principal, 3 teachers and 1 other school employee (5 total) and 5 parents or other community members. In addition a Secondary Schoolsite Council would have to consist of at least 12 people: 1 principal, 3 teachers and 2 other school employees (6 total) and 3 parents or other community members as well as 3 students (6 total).

This is very difficult number to achieve if the total number of students and teachers in the school is small. There are many small districts with two or more small schools which share a common community, and often a common administration.

For example a small district might have an elementary school containing 7-100 students as well as a middle school with about the same numbers. In many cases the principal
Schoolsite Councils for Small Schools Sharing Common Services

(who may also be the superintendent of the whole district) is the same person for both schools. In some situations two schools are located on the same piece of property, and in all cases the schools are closely located geographically. The parent and community members are of course the same in both cases, and the total number of teaching staff is small (less than 8-10 total staff.)

In other cases, there may be small schools within any size of district that provide alternative education programs like Community Day schools, and Court and Community Schools, which have very small numbers of staff and students (from 1 to 50), and yet they serve similar populations of students, with similar goals.

In these cases, it makes sense that a joint schoolsite council could easily function for multiple schools in this alternative education setting, and a joint schoolsite council would also provide a savings in time and resources in a small community.

Many of these waivers have been granted by the State Board of Education (SBE) in the past under a pre-existing Waiver Policy. All of these waivers must be renewed every two years to ensure that the situation remains the same (per EC 52863.)

Waiver Evaluation Guidelines

California Department of Education staff places waiver requests consistent with the following evaluation guidelines on the SBE’s Consent Calendar.

- The schools affected are small: Less than – 120 pupils each.

And

- The schools have a common site administration, curriculum, or other shared services, or

- The schools have a geographic proximity or similar student populations.

Schools with greater than 120 student population may also submit a waiver; however, these will be evaluated on a case-by-case basis, and will not go to the Consent Calendar. Not meeting a Waiver Policy is not a reason to deny a waiver.

As a condition of any waiver approval the joint schoolsite council will be required to elect its parent-community, student and staff members from all of the schools and will maintain the parity requirements of EC 56852.
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

CD CODE

|   | 2 | 5 | 6 | 5 | 8 | 9 | 8 |

Local educational agency: Surprise Valley Joint Unified School District  
Contact name and recipient of approval/denial notice: Michael Ray  
Contact person’s e-mail address: mray@svjusd.org

Address: P.O. Box 100  
(City) Cedarville  
(State) California  
(ZIP) 96104  
Phone (and extension, if necessary): 530-279-6141  
Fax number: 530-279-2210

Period of request: (month/day/year)  
From: 8/30/2011  
To: 8/30/2013  
Local board approval date: (Required)  
5/12/2011

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: 54-2009-WC-21 9/3/2009 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): 5/10/2011  
kak 6/13/11

Name of bargaining units and representative(s) consulted: Teamsters Local 137, Heather Bordwell, Site Shop Steward and Randy Quick, Site Shop Steward  
kak 6/13/2011

The position(s) of the bargaining unit(s): ___ Neutral  ___ Support  X  Oppose (Please specify why)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Surprise Valley USD School Site Council  
Date advisory committee/council reviewed request: 5/16/2011  
kak 6/13/2011

_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 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 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:

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<th>School District</th>
<th>Student Population</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Surprise Valley Joint Unified</td>
<td>135</td>
<td>Rural Modoc</td>
</tr>
</tbody>
</table>

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) \(\text{X}  \) No \( \_ \) Yes

Has there been a Coordinated Compliance Review finding on this issue? \(\text{X}  \) 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</th>
<th>Title</th>
<th>Date</th>
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<tr>
<td>Principal</td>
<td>Signature</td>
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</tr>
<tr>
<td>SELPA Director</td>
<td>Signature</td>
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For California Department of Education Use Only

<table>
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<tr>
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</table>
The Surprise Valley Joint Unified School district is located in a remote rural area of Modoc County in a far northeastern region of the state. The district is comprised of four school facilities that include Surprise Valley High School, Surprise Valley Elementary School, Surprise Valley Community Day School and Great Basin Continuation High School.

The elementary school has a teaching principal and six additional teaches, one of which is part-time, serving grades K-8, the high school has a teaching principal and five additional teachers, two of which are part-time, serving grades 9-12. The community day school and the continuation high school have one teacher each. The total enrollment for the district is currently 135 students for all four sites. Due to the size of the district and the number of students served, we are seeking a Site Council Waiver to allow one site council to serve the district.
ITEM W-32
Specific Waiver

REQUEST

Request by Merced County Office of Education under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, allowing one joint schoolsite council to function for Valley Community School, Valley Los Banos Community Day School, Valley Atwater Community Day School, and Merced County Juvenile Hall/Community School.

Waiver Number: 14-6-2011

RECOMMENDATION

☐ Approval   ☒ Approval with conditions   ☐ Denial

The California Department of Education recommends approval with the following conditions: the schoolsite council (SSC) shall be composed of one principal, four teachers selected by teachers at each site with at least one classroom teacher from each of the following schools: Valley Community School, Valley Los Banos Community Day School, Valley Atwater Community Day School, and Merced County Juvenile Hall/Community School, one other school employee selected by other school personnel at each of the schools, a total of three parents or community members representing the schools selected by their peers, and three students selected by their peers.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

All waivers of this type have been approved by the State Board of Education (SBE) for schools too small to meet the SSC composition requirements of California Education Code (EC) Section 52852. Pursuant to the SBE Waiver Policy: Schoolsite Councils for Small Schools Sharing Common Services or Attendance Areas Web document at http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicy.doc, schools must have small numbers of students and teachers and have a common site administration, curriculum, or other shared services or have a geographic proximity or similar student populations.

SUMMARY OF KEY ISSUES

The four schools have a student population that is highly mobile, with an average stay in a school of 45 days. Students frequently attend one or more of these schools during a school year.
Demographic Information: Merced County Office of Education is located in Merced County. The 2011–12 Consolidated Application indicates that the Merced County Juvenile Hall/Community School has a population of 96 students; Valley Los Banos Community Day has a population of 133 students; Valley Atwater Community Day has a population of 110 students; Valley Community has a population of 500 students. The Merced County Office of Education indicates that students have an average stay of 45 days at any one of the schools.

The Department recommends approval with the above conditions.

Authority for Waiver: EC Section 52863

Period of request: August 1, 2011, to July 31, 2013

Local board approval date(s): October 18, 2010

Bargaining unit(s) consulted on date(s): September 17, 2010

Name of bargaining unit/representative(s) consulted: Merced County Office Teachers’ Association (MCOTA), Laura Austin, President and Debbie Woody, MCOTA member.

Position of bargaining unit(s) (choose only one):

☐ Neutral   ☒ Support   ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Schoolsite Council

Objections raised (choose one): ☒ None   ☐ Objections are as follows:

Date(s) consulted: August 13, 2010

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 4/17/08)  http://www.cde.ca.gov/re/lr/ww/

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: Merced County Office of Education

Contact name and recipient of approval/denial notice: Brandi Marquez

Contact person’s e-mail address: bmarquez@mcoe.org

Address: 632 West 13th Avenue  Merced  CA  95340

Phone (and extension, if necessary): 209 381-5154
Fax number: 209 381-4581

Period of request: (month/day/year) August 1, 2011 to July 31, 2013

Local board approval date: October 18, 2010

LEGAL CRITERIA

1. Authority for the waiver: ☑ 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.

   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.

   If the State Board of Education approves a waiver request, the waiver shall apply only to the school or schools which requested the waiver and shall be effective for no more than two years. The State Board of Education may renew a waiver request.

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: (number) 52852  Circle One: EC

   Brief Description of the topic of the waiver: The waiver is being filed to consolidate the districts site councils into one council: a court and community school (Valley Community), two small community day schools (Valley Los Banos Community Day and Valley Atwater Community Day School), and a juvenile hall (Merced County Juvenile Hall/Community).

3. If this is a renewal of a previously approved waiver, please list Waiver No: N/A

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)
   Does the district have any employee bargaining units? ☐ No  ☑ Yes
   If yes, please complete required information below:
   Bargaining unit(s) consulted on date(s): 9-12-10
   Name of bargaining units and representative(s) consulted: Merced County Office Teachers’ Association (MCTOA) kak
   Laura Austin—President  Debbie Woody—MCTOA Member

   The position(s) of the bargaining unit(s): ☐ Neutral  ☑ Support  ☐ Oppose (Please specify why)
5. Advisory committee or school site council that reviewed the waiver. Name: 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: 9/13/10

☑️ Approve ☐ Neutral ☐ Oppose

Were there any objection? Yes ☐ No ☑ (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.)

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 principals and representatives of: teachers selected by teachers at the school(s); other school personnel selected by other school personnel at the school(s); parents of pupils attending the school(s) selected by such parents; and, in secondary schools, pupils selected by pupils attending the school(s).

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 APPENDIX A - ATTACHED

8. Demographic Information:

For this waiver, Valley Los Banos Community Day involved has a student population of 118* and is located in a small city in Merced County.

For this waiver, Valley Atwater Community Day involved has a student population of 92* and is located in a small city in Merced County.

For this waiver, Merced County Juvenile Hall/Community involved has a student population of 119* and is located in Merced County.

For this waiver, Valley Community involved has a student population of 909* and is located in Merced.

*Numbers provided from October 1, 2008 CBEDS count

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 Waivers must be approved by the local board and submitted two months before the active waiver expires.

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 Coordinated Compliance Review finding on this issue? ☑️ 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: Lee Andersen
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:
APPENDIX A

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.)

Merced County Office of Education’s alternative education program encompasses four schools – Valley Community, Valley Los Banos Community, Valley Atwater Community, and Merced County Juvenile Hall/Community. The mobility rate of students from one school to another is extremely high, and during the 2007-2008 academic year, the average length of enrollment within a program was 45 days. The mobility rate is indicative of students moving from one school to another within the district.

In addition to the high mobility rate, three of the schools (Valley Los Banos Community, Valley Atwater Community, and Merced County Juvenile Hall/Community) have declining enrollment and fluctuating low numbers of students. Therefore, the school administration would like to combine their site councils with the largest site – Valley Community.

As a school, we feel our students would benefit from a coordinated school site council to monitor program goals and the consistent implementation of supplemental services across the district. The collaboration between site representatives on the site council will ensure the development and monitoring of the Single Plan for Student Achievement will encompass all schools and the needs of students who regularly move from site to site. Student success and achievement is dependent on all sites working together to provide consistent instruction and services, and a consolidated site council would monitor and provide direction on this process.
ITEM W-33
Specific Waiver

SUBJECT

Request by Carpinteria Unified School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Rincon Continuation High School.

Waiver Number: 56-4-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: the schoolsite council (SSC) shall be composed of one principal, two classroom teachers selected by teachers, one student selected by students, and two parents or community members selected by their peers.

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 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.

This is a request for renewal of a previously approved Waiver No. 28-5-2009- W-13 approved by the State Board of Education on September 17, 2009. All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.

SUMMARY OF KEY ISSUES

Rincon Continuation High School has a population of 45 students as reported on the latest Consolidated Application and is located in a small city in Santa Barbara County. The small number of staff, teachers and students necessitate a reduction in SSC composition.

Demographic Information: Rincon Continuation High School has a population of 45 students and is located in a small city in Santa Barbara County.
**Authority for Waiver:** EC Section 52863
**Period of request:** March 1, 2011, through February 28, 2013

**Local board approval date(s):** April 26, 2011

**Bargaining unit(s) consulted on date(s):** Carpinteria Association of United School Employees, February 23, 2011, and March 15, 2011

**Name of bargaining unit/representative(s) consulted:** Carpinteria Association of United School Employees, Jay Hotchner, President

**Position of bargaining unit(s) (choose only one):**
- [ ] Neutral
- [x] Support
- [ ] Oppose

**Comments (if appropriate):**

**Advisory committee(s) consulted:** Rincon Continuation High School Schoolsite Council

**Objections raised (choose one):**
- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** February 24, 2011

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval or denial.

**ATTACHMENT(S)**

Attachment 1: Specific Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the CDE Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

SW-1 (Rev. 02/24/09) http://www.cde.ca.gov/re/lr/wr/

Renewal Waiver: X

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!

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<th>Local educational agency:</th>
<th>Contact name and recipient of approval/denial notice: Paul Cordeiro, Superintendent, Steve Powell, principal</th>
<th>Contact person’s e-mail address: <a href="mailto:spowell@cusd.net">spowell@cusd.net</a></th>
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Rincon Continuation High School 805-684-3277

Period of request: (month/day/year) From: March 1, 2011 To: February 28, 2013

Local board approval date: (Required) April 26, 2011

LEGAL CRITERIA

Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: ☑ 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)

The Carpinteria Unified School District Board of Trustees, on behalf of the Rincon Continuation High School Site Council, is requesting that a waiver be granted for the reduction of the composition of the School Site Council from ten to six. The reduction in the composition does not change the parity in the council.

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).

The composition of the Rincon Continuation High School Site Council, to ensure parity between members, will be:

a.) the principal, one teacher, and one student

   a) 1 principal, 2 teachers per Steve Powell 5/31/11 RG
   b) 1 student, 2 parents or community members

b.) three parents or community members

3. If this is a renewal of a previously approved waiver No: 28-5-2009-W-13 and SBE approval date of September 17, 2009.


Does the district have any employee bargaining units? Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 2/23/11 and 3/15/11 per Jolene Colomy 5/16/11 jb

Carpinteria Association of United School Employees

Name of bargaining units and representative(s) consulted: CAUSE: President – Jay Hotchner

The position(s) of the bargaining unit(s): ☐ Neutral ☑ Support ☐ Oppose (Please specify why)

Comments (if appropriate):
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name

| Rincon High School Site Council | Date advisory committee/council reviewed request:   February 24, 2011 |

☐ Approve ☐ Neutral ☐ Oppose

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.

The composition of the Rincon High School Site Council, to ensure parity between members, will be:

a.) the principal, one teacher and one student
b.) three parents or community members

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

6. Demographic Information:

For this waiver, Rincon Continuation High School has a student population of 45 students and is located in a small city in the Santa Barbara County.

7. For a renewal waiver only, district also must certify:

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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.

Renews of Waivers must be approved by the local board and submitted two months before the active waiver expires.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No

Has there been a Coordinated Compliance Review finding on this issue? No

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: 4/27/11 |
| Signature of SELPA Director (only if a Special Education Waiver) | Date: |

| 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: |
ITEM W-34
CALIFORNIA STATE BOARD OF EDUCATION
SEPTEMBER 2011 AGENDA

☑ Specific Waiver

SUBJECT
Request by Carpinteria Unified School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Summerland Elementary School.

Waiver Number: 61-4-2011

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of renewal waiver with the following conditions: the schoolsite council (SSC) shall be composed of one principal, two classroom teachers selected by teachers, and three parents or community members selected by their peers.

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 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.

This is a request for renewal of a previously approved Waiver No. 22-5-2009- WC-12 approved by the State Board of Education on September 17, 2009. All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.

SUMMARY OF KEY ISSUES

Summerland School has a population of approximately 52 students, has three staff members teaching multi-grade classrooms, one office staff member, and is located in a small city in Santa Barbara County. The number of staff, teachers and students necessitate a reduction in SSC composition.

Demographic Information: Summerland School has a population of 52 students and is located in a small city in Santa Barbara County.
**Authority for Waiver:** EC Section 52863

**Period of request:** March 1, 2011, through February 28, 2013

**Local board approval date(s):** April 26, 2011

**Bargaining unit(s) consulted on date(s):** Carpinteria Association of United School Employees, April 12, 2011

**Name of bargaining unit/representative(s) consulted:** Carpinteria Association of United School Employees, Jay Hotchner, President

**Position of bargaining unit(s) (choose only one):**
- [ ] Neutral
- [X] Support
- [ ] Oppose

Comments (if appropriate):

**Advisory committee(s) consulted:** Summerland Schoolsite Council

**Objections raised (choose one):**
- [X] None
- [ ] Objections are as follows:

**Date(s) consulted:** April 7, 2011

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of waiver approval or denial.

**ATTACHMENT(S)**

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the CDE Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

SW-1 (Rev. 02/24/09) http://www.cde.ca.gov/re/lr/wr/

Renewal Waiver: X

Faxed originals will not be accepted!

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Local educational agency:
Carpinteria Unified School District

Contact name and recipient of approval/denial notice: Paul Cordeiro, Superintendent, Tricia Price, principal
Contact person’s e-mail address: tprice@cusd.net

Address: 1400 Linden Avenue, Carpinteria, CA 93013

Period of request: (month/day/year) From: March 1, 2011 To: February 28, 2013

Local board approval date: (Required) April 26, 2011

LEGAL CRITERIA

Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: ☑ 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)

The Carpinteria Unified School District Board of Trustees, on behalf of the Summerland School Site Council, is requesting that a waiver be granted for the reduction of the composition of the School Site Council from ten to six. The reduction in the composition does not change the parity in the council.

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).

The composition of the Summerland Site Council, to ensure parity between members, will be:

a.) the principal and two teachers
b.) three parents or community members

3. If this is a renewal of a previously approved waiver, please list Waiver No: 22-5-2009-W-12 and date of SBE approval 9/17/2009


Does the district have any employee bargaining units? Yes ☑ If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 4/12/11 per Jolene Colomy 5/16/11 jb
Carpinteria Association of United School Employees
Name of bargaining units and representative(s) consulted: CAUSE Jay Hotchner - President

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
Summerland School Site Council
Date advisory committee/council reviewed request: April 7, 2011

☑ Approve ☑ Neutral ☑ Oppose

Were there any objection? Yes ☑ 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.

The composition of the Summerland Site Council, to ensure parity between members, will be:

a.) the principal and two teachers  
b.) three parents or community members  

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)

6. **Demographic Information:**
   - For this waiver, Summerland School has a student population of 74 students and is located in small city in the Santa Barbara County.

7. **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 Waivers must be approved by the local board and submitted two months before the active waiver expires.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  
No  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?**  
No  
(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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<tr>
<th>Signature of Superintendent or Designee:</th>
<th>Title: Superintendent</th>
<th>Date: 4/27/11</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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ITEM W-35
Specific Waiver

**SUBJECT**
Request by Kern Union High School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Summit Continuation High School.

Waiver Number: 26-6-2011

**RECOMMENDATION**

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: the schoolsite council (SSC) shall be composed of one principal, two teachers selected by teachers, two parents or community members representing the school selected by their peers, and one student selected by peers.

**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 SSC requirements of the School-Based Coordination Program Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.

**SUMMARY OF KEY ISSUES**

Summit Continuation High School has one shared site administrator, approximately 14 students, and two teachers. The required composition of the schoolsite council based on staffing cannot be met.

The Department recommends approval with the above conditions.

**Demographic Information:** Summit Continuation High School has a current population of 14 students and is located in the small mountain community of Lake Isabella, in Kern County.
Authority for Waiver: EC Section 52853

Period of request: July 1, 2011, to June 30, 2013

Local board approval date(s): June 16, 2011

Bargaining unit(s) consulted on date(s): April 29, 2011

Name of bargaining unit/representative(s) consulted: Kern High School Teachers Association (KHSTA) Vickie Schoenhair, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☑ Support ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Summit Continuation High School Schoolsite Council

Objections raised (choose one): ☑ None ☐ Objections are as follows:

Date(s) consulted: May 13, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver: _X_  
Renewal Waiver: ___

Send Original plus one copy to: Send electronic copy in Word and back-up material to: waiver@cde.ca.gov
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

CD CODE
1 5 3 0 0 2 1

Local educational agency:  Contact name and recipient of approval/denial notice:  Contact person’s e-mail address:
Kern High School District  Fuchsia Ward, Anthony Ransick  fuchsia_ward@khsd.k12.ca.us
Summit Continuation High School

Address:  (City)  (State)  (ZIP)  Phone (and extension, if necessary):  Fax number:
5801 Sundale Street  Bakersfield  CA  93309  661-827-3156
2811 Pasadena Lane  Lake Isabella  CA  93240  661-396-2987

Period of request:  (month/day/year)  Local board approval date: (Required)
From: 7/1/11  To: 6/30/13  June 16, 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:  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.


   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): April 29, 2011

   Name of bargaining units and representative(s) consulted:  Vickie Schoenhair, President, Kern High School Teachers Association (KHSTA)

   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:

   David Baker (site administrator), Linda Downen and Jennifer Babcock (teachers), Kathi Wright (secretary), Amanda Dew. Student, Tyler Walters, students, and two parents Eric Vollmer and Stephanie Crowe.

   Date advisory committee/council reviewed request:  5/13/11

   _X_ Approve  ___ Neutral  ___ Oppose

   Were there any objection?  Yes ___ 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.)

The desired outcome is to have a functional school site council in a small setting that is responsive to the needs of its students. The recommendation of the KHSD Principal of Alternative Education (who oversees the five continuation school site administrators) is to have a school site council comprised of 8 people: 3 Teachers, 1 Site Administrator, and 2 Parent/Community Members and 2 students.

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

Student enrollment at Summit is small (a typical “snapshot” of enrollment being roughly 10 students.) There is a site administrator, two teachers, and one secretary. This makes it very difficult to achieve the composition detailed in EC Section 52852. Partnering with the local traditional school, Kern Valley High School would not be in the best interests of either school since each school has uniquely separate budgets, program needs, and educational plans requiring different kinds of discussions and decision-making. The other option, combining with the nearest continuation high school, is not feasible because travel time is over an hour in one direction on a narrow, winding, two-lane canyon road.

8. Demographic Information:

Summit Continuation High School is located in a small mountain community, Lake Isabella, served by Kern Valley High School. Summit Continuation High School has a current student population of 14. The enrollment at any given time during the past two years has not exceeded 25 students.

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:
ITEM W-36
Specific Waiver

Request by Kern Union High School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Central Valley Continuation High School.

Waiver Number: 25-6-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: the schoolsite council (SSC) shall be composed of one principal, three teachers selected by teachers, two parents or community members representing the school selected by their peers, and two students selected by their peers.

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 SSC requirements of the School-Based Coordination Program Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.

SUMMARY OF KEY ISSUES

Central Valley Continuation High School has one shared site administrator, approximately 80 students and four teachers. The required composition of the schoolsite council based on staffing cannot be met.

The Department recommends approval with the above conditions.

Demographic Information: Central Valley Continuation High School is located in the rural agricultural community of Shafter, in Kern County. The school serves approximately 80 students.
Authority for Waiver: EC Section 52863

Period of request: July 1, 2011, to June 30, 2013

Local board approval date(s): June 16, 2011

Bargaining unit(s) consulted on date(s): April 29, 2011

Name of bargaining unit/representative(s) consulted: Kern High School Teachers Association (KHSTA) Vickie Schoenhair, President

Position of bargaining unit(s) (choose only one):
☐ Neutral  ☑ Support  ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Central Valley Continuation High School Schoolsite Council

Objections raised (choose one): ☑ None  ☐ Objections are as follows:

Date(s) consulted: May 18, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
**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

### 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: __ 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  ___ Yes  If yes, please complete required information below:

   **Bargaining unit(s) consulted on date(s):** April 29, 2011

   **Name of bargaining units and representative(s) consulted:** Vickie Schoenhair, President, Kern High School Teachers Association (KHSTA)

   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: CVHS School Site Council. Members: Rudy Gutierrez (Chair/Teacher), Carolyn Barnes (Teacher), Greg Lamb (Teacher), Theresa Terry (Teacher), Adolfo Mendez (Parent), Denise Samaripas (Parent), Cindy Herrera (Parent), Robert Vela (Student), Cristobal Madrano (Student), and Karla Salazar (Student).

   **Date advisory committee/council reviewed request:** 5/18/11

   ___ Approve  ___ Neutral  ___ Oppose
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.)

   The desired outcome is to have a functional school site council in a small setting that is responsive to the needs of its students. The recommendation of the KHSD Principal of Alternative Education (who oversees the five continuation school site administrators) is to have a school site council comprised of 8 people: 3 Teachers, 1 Site Administrator, and 2 Parent/Community Members and 2 students.

   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

   Besides the site administrator, there are four teachers and one secretary. This has made it very difficult to achieve the current composition detailed in EC Section 52852. Partnering with another school would reduce the influence our stakeholders would have with our specific educational plan. One option is to share SSC with the local regular high school, whose parents might dominate the discussions with a traditional school focus and decision making. Another option, joining with the nearest continuation high school, is not feasible because travel time is roughly 45 minutes in one direction mostly on rural country roads.

8. Demographic Information:

   Central Valley Continuation High School is located in the rural agricultural community of Shafter, CA, served by Shafter High School. Central Valley is small, serving about 80 students.

   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:
ITEM W-37
Specific Waiver

SUBJECT

Request by Sausalito Marin City School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, allowing one joint schoolsite council to function for two small schools, Bayside Elementary School and Martin Luther King Jr. Academy Middle School.

Waiver Number: 18-5-2011

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: the schoolsite council (SSC) shall be composed of one principal, two classroom teachers selected by teachers at Bayside Elementary School, one classroom teacher selected by teachers at Martin Luther King Jr. Academy Middle School, one other school employee selected by other school personnel at either school, and a total of five parents selected by their peers, representing Bayside Elementary School and Martin Luther King Jr. Academy Middle School with at least one parent from Martin Luther King Jr. Academy Middle School.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

All waivers of this type have been approved by the State Board of Education (SBE) for schools too small to meet the SSC composition requirements of California Education Code (EC) Section 52852. Pursuant to the SBE Waiver Policy: Schoolsite Councils for Small Schools Sharing Common Services or Attendance Areas Web document at http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicy.doc, schools must have small numbers of students and teachers and have a common site administration, curriculum, or other shared services or have a geographic proximity or similar student populations.

This is a request for renewal of a previously approved Waiver No. 26-4-2009-WC-8 by the SBE on March 8, 2007. All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.
SUMMARY OF KEY ISSUES

Demographic Information: Sausalito Marin City School District consists of two small schools with 123 students at the elementary and 47 students at the middle school. The LEA employs one principal serving both schools, and the schools serve the same families in the small suburban town in Marin County.

The Department recommends approval with the above conditions.

Authority for Waiver: EC Section 52863

Period of request: July 1, 2011, to June 30, 2013

Local board approval date(s): April 28, 2011

Bargaining unit(s) consulted on date(s):
Sausalito District Teachers Association consulted on March 21, 2011
California Schools Education Association (CSEA) consulted on June 7, 2011

Name of bargaining unit/representative(s) consulted:
Susan Cassidy, President, Sausalito District Teachers Association
Julius Holtzclaw, President, California Schools Education Association (CSEA)

Position of bargaining unit(s) (choose only one):
☐ Neutral  ☒ Support  ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Sausalito Marin City School District Site Council

Objections raised (choose one): ☐ None  ☐ Objections are as follows:

Date(s) consulted: March 21, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

First Time Waiver: __ Renewal Waiver: X

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

Local educational agency: Contact name and Title: Contact person’s e-mail address:
SAUSALITO MARIN CITY SCHOOL DISTRICT DEBRA A. BRADLEY, Ed.D. dBradley@marin.k12.ca.us

Address: (City) (State) (ZIP) Phone (and extension, if necessary):
630 NEVADA STREET SAUSALITO CA 94965 415-332-3190
Fax number: 415-332-9643

Period of request: (month/day/year) Local board approval date: (Required)
From: 07/01/11 To: 06/30/13 APRIL 28, 2011

LEGAL CRITERIA

1. Authority for the waiver: ___ 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.
   EC52863 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: (number) Circle One: EC or CCR
   52863 Brief Description of the topic of the waiver: School site 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: 47-11-2006-WC-8 and date of SBE approval 03/08/07 26-4-2009 jb 5/23/11
   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): SAUSALITO DISTRICT TEACHERS ASSOCIATION (SDTA) – 11/15/06 and CALIFORNIA SCHOOLS EDUCATION (CSEA) – 11/15/06
   Name of bargaining units and representative(s) consulted:
   SDTA: SUSAN CASSIDY and DEBRA MOORE, CO-PRESIDENTS per Margie Bonardio jb 5/23/11
   CSEA: JULIUS HOLTZCLAUZ, PRESIDENT, GOLDEN GATE CHAPER 394
   The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (Please specify why)

5. Advisory committee or school site council that reviewed the waiver. Name: SCHOOL SITE COUNCIL OF BAYSIDE ELEMENTARY SCHOOL AND MARTIN LUTHER KING, JR. ACADEMY Sausalito Marin City School District Site council per Margie Bonardio jb 5/23/11
   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: MARCH 21, 2011
   X Approve ___ Neutral ___ Oppose
   Were there any objection? Yes ___ No X (If there were objections please specify)
1. 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 teachers of 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.

2. 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 district has two small schools: Bayside Elementary School serving 123 students in grades K-5, and Martin Luther King, Jr. Academy serving 47 students in grades 6-8. District funds pay for one principal. The two schools serve students from the same community. For the past four years there has been one school site council (with a CDE waiver) composed of parent and teacher representatives from each of the schools. This composition of the School Site Council has worked well. Therefore the SCC and the Board of Education are requesting a two-year renewal of the waiver that was granted on March 8, 2007.

3. Demographic Information:
   The **Sausalito Marin City School District** has a student population of **170 students** and is located in a **small suburban town** in **Marin County**.

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**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**.

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<th>Signature of Superintendent or Designee:</th>
<th>Title:</th>
<th>Date:</th>
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<td></td>
<td>Superintendent</td>
<td>April 28, 2011</td>
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Specific Waiver

SUBJECT
Request by Trinity Center Elementary School District under the authority of California Education Code Section 52863 for a waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small rural school, Trinity Center Elementary School.
Waiver Number: 7-6-2011

RECOMMENDATION
☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following condition: the schoolsite council (SSC) shall be composed of one principal, two classroom teachers selected by teachers, and three parents or community members selected by their peers.

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 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.

All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.

SUMMARY OF KEY ISSUES

Trinity Center Elementary School has a population of 20 students in grades Kindergarten through eight, employs one teacher/principal, one teacher, and one teacher assistant, and is located in a rural area of Trinity County. The small number of teachers does not allow the school to meet the statutory composition of a ten member SSC.

The Department recommends approval with the above stated conditions.

Demographic Information: Trinity Center Elementary School has a student population of 20 and is located in a small unincorporated community in Trinity County.
Authority for Waiver: EC Section 52863

Period of request: July 1, 2011, to June 30, 2013

Local board approval date(s): April 25, 2011

Bargaining unit(s) consulted on date(s): No bargaining unit exists.

Name of bargaining unit/representative(s) consulted: No bargaining unit exists.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Trinity Center Elementary Schoolsite Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: March 1, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (3 pages) (Original waiver request is signed and on file in the SBE Office or the CDE Waiver Office.)
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

Send electronic copy in Word and  
back-up material to: waiver@cde.ca.gov

Local educational agency:  
Trinity Center Elementary School District

Contact name and recipient of approval/denial notice:  
Veronica Stewart

Contact person's e-mail address:  
vstewart@tcoek12.org

Address:  
PO BOX 127, Trinity Center, CA 96091

Period of request:  
July 1, 2011 To June 10, 2013  
(R.G) per e-mail

Local board approval date: (Required)  
4/25/11

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 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 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:  
   Trinity Center Elementary School Site Council

   Date advisory committee/council reviewed request: 3/1/11

   _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. 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:
   Trinity Elementary School District has a student population of 20 and is located in a rural area in Trinity 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**  **Yes**

   **Has there been a Coordinated Compliance Review finding on this issue?**  
   (If yes, please attach explanation or copy of **CCR** finding)
   **No**  **Yes**

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

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April 26, 2011

To Whom It May Concern:

The Trinity County Office of Education has recently informed us that we need to apply for this waiver since our School Site Council consists of 6 members; 3 parents, one administrator, one classified employee, and one certificated employee. Trinity Center Elementary School District is extremely small. The student population this year is 20, Kindergarten through Eighth Grade. We have one Teacher Assistant, one Teacher, and one Teacher/Principal. There is an Administrative Assistant/Business Manager and a part-time Superintendent. Our school doesn’t have a cafeteria and doesn’t provide transportation for our students. Trinity Center School is also extremely rural so sharing a School Site Council with another school wouldn’t work. Applying for this waiver will enable us to comply with the State requirements on a smaller scale. Thank you for your consideration.

Thanks,

Jean Hunt
Teacher/Principal
ITEM W-39
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

Specific Waiver

SUBJECT
Request by Carpinteria Unified School District under the authority of California Education Code Section 52863 for a renewal waiver of Education Code Section 52852, to allow a reduction in the number and composition of members required for a schoolsite council for a small school, Carpinteria Family School.

Waiver Number: 57-4-2011

RECOMMENDATION

☐ Approval  ☑ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: the schoolsite council (SSC) shall be composed of one principal, two classroom teachers selected by teachers, and three parents or community members selected by their peers.

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 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.

This is a request for renewal of a previously approved Waiver No. 34-5-2009- W-14 approved by the State Board of Education on September 17, 2009. All waivers of this type have been approved by the SBE for schools too small to meet the SSC composition requirements of EC Section 52852, based upon analysis of the circumstances.

SUMMARY OF KEY ISSUES

Carpinteria Family School has a population of 72 students as reported on the latest Consolidated Application and is located in a small city in Santa Barbara County. The small number of staff, teachers and students necessitate a reduction in SSC composition.

Demographic Information: Carpinteria Family School has a population of 72 students and is located in a small city in Santa Barbara County.
Authority for Waiver: EC Section 52863

Period of request: March 1, 2011, through February 28, 2013

Local board approval date(s): April 26, 2011

Bargaining unit(s) consulted on date(s): Carpinteria Association of United School Employees, February 23, 2011, and March 15, 2011.

Name of bargaining unit/representative(s) consulted: Carpinteria Association of United School Employees, Jay Hotchner, President

Position of bargaining unit(s) (choose only one):

☐ Neutral  ☑ Support  ☐ Oppose:

Comments (if appropriate):

Advisory committee(s) consulted: Carpinteria Family School Schoolsite Council

Objections raised (choose one): ☑ None  ☐ Objections are as follows:

Date(s) consulted: February 22, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval or denial.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the CDE Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

SW-1 (Rev. 02/24/09)  http://www.cde.ca.gov/re/lr/wr/
Renewal Waiver: X

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!

CD CODE
0 1 0 2 1 2 9

Local educational agency:
Carpinteria Unified School District
Address: 1480 Linden Avenue, Carpinteria, CA 93013

Contact name and recipient of approval/denial notice:
Paul Cordeiro, Superintendent, Leslie Gravitz, principal
Contact person’s e-mail address:
agravitz@cusd.net

Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: 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)

The Carpinteria Unified School District Board of Trustees, on behalf of the Carpinteria Family School Site Council, is requesting that a waiver be granted for the reduction of the composition of the School Site Council from ten to six. The reduction in the composition does not change the parity in the council.

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).

The composition of the Carpinteria Family School Site Council, to ensure parity between members, will be:
   a.) the principal and two teachers
   b.) three parents or community members

3. If this is a renewal of a previously approved waiver, please list Waiver No: 34-5-2009-W-14 and date of SBE approval September 17, 2009.

   Does the district have any employee bargaining units? Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 2/23/11 3/15/11 per Jolene Colomy 5/16/11 jb
   Name of bargaining units and representative(s) consulted: Carpinteria Association of United School Employees
   Carpineteria Association of United School Employees
   Name of bargaining units and representative(s) consulted:
   Jolene Colomy
   The position(s) of the bargaining unit(s): ☐ Neutral ☒ Support ☐ Oppose (Please specify why)
   Comments (if appropriate):
### Specific Waiver Request

**SW-1 (Rev. 02/24/09)**

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name

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<th>Carpinteria Family School Site Council</th>
<th>Date advisory committee/council reviewed request: February 22, 2011</th>
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☐ Approve  ☐ Neutral  ☐ Oppose

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.

The composition of the Carpinteria Family School Site Council, to ensure parity between members, will be:

- a.) the principal and two teachers
- b.) three parents or community members

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)

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<td>For this waiver, Carpinteria Family School has a student population off 73 students and is located in a small city in the Santa Barbara County.</td>
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7. For a renewal waiver only, district also must certify:

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- 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 Waivers must be approved by the local board and submitted two months before the active waiver expires.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  No

**Has there been a Coordinated Compliance Review finding on this issue?**  No

### District or County Certification

I hereby certify that the information provided on this application is correct and complete.

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Specific Waiver

SUBJECT
Request by California Education Authority Headquarters 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 one special education student based on Education Code Section 56101, the special education waiver authority.

Waiver Number: 42-6-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions that the State Board of Education (SBE) conditionally approve this waiver and remove only the requirement that one student successfully completes a course in Algebra I (or its equivalent) for the 2010−11 graduating year. The student has 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 student does not graduate in 2010−11, this waiver does not relieve the student of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2011−12 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 State Board of Education for special needs students.

SUMMARY OF KEY ISSUES

For the review of this waiver request, the district provided the following documentation:

- A valid, current copy of the student’s individualized education program (IEP), highlighting the areas of mathematic deficiencies and how the student’s needs in mathematics were addressed.
SUMMARY OF KEY ISSUES (Cont.)

- Selected pages from the student’s IEPs from three previous years showing that the student was consistently on a diploma-track, and that the IEPs were written to support the student’s participation in diploma-track math courses, particularly algebra.

- The specific assistance the district provided to this student including 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 this student highlighting former attempts taking algebra and pre-algebra classes.

- The assessment summary which indicates that this student participated in the Standardized Testing and Reporting program.

The above documentation was confidentially reviewed by a special education consultant. The district’s documentation provided facts indicating that failure to approve the request would result in this student not meeting graduation requirements.

Demographic Information: The California Education Authority (CEA) Headquarters program has a student population of 1,235 and is located in rural areas of Sacramento County.

Authority for Waiver: EC Section 56101

Period of request: August 5, 2010, to July 8, 2011

Local board approval date(s): June 15, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
**CALIFORNIA DEPARTMENT OF EDUCATION**
**SPECIFIC WAIVER REQUEST**
AIGR-1 (Rev. 10-2-2009) [http://www.cde.ca.gov/re/lr/wr/](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

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**Local educational agency:**  
California Dept. of Corrections and Rehabilitation  
California Education Authority School District

**Contact name and recipient of approval/denial notice:**  
TiAnne Rios

**Contact person’s e-mail address:**  
Tianne.rios@cdcr.ca.gov

**Address:**  
4241 Williamsbourgh Drive Sacramento, CA 95832

**Phone (and extension, if necessary):**  
916-262-1500

**Fax number:**  
916-262-1510

**Period of request:**  
From: August 5, 2010  
To: July 8, 2011

**Local board approval date or SELPA signature date (required):**  
June 15, 2011

**LEGAL CRITERIA**

1. **Authority for the waiver:**  
   X Specific code section: [EC 56101](http://www.cde.ca.gov/)

   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_____1_____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the ___2010/11____ school year under current statute.

**District/County/SELPA Certification** – I hereby certify that the information provided on this application is correct & complete.

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ITEM W-41
## Specific Waiver

### SUBJECT

Request by Castro Valley Unified School District 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 one special education student based on Education Code Section 56101, the special education waiver authority.

Waiver Number: 41-6-2011

### RECOMMENDATION

- ✔ Approval
- ✔ Approval with conditions
- ☐ Denial

The California Department of Education recommends approval with the following conditions that the State Board of Education (SBE) conditionally approve this waiver and remove only the requirement that one student successfully completes a course in Algebra I (or its equivalent) for the 2010–11 graduating year. The student must also meet 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 student does not graduate in 2010–11, this waiver does not relieve the student of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2011–12 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 State Board of Education for special needs students.

### SUMMARY OF KEY ISSUES

For the review of this waiver request, the district provided the following documentation:

- A valid, current copy of the student’s individualized education program (IEP), highlighting the areas of mathematic deficiencies and how the student’s needs in mathematics were addressed.
Selected pages from the student’s IEPs from three previous years showing that the student was consistently on a diploma-track, and that the IEPs were written to support the student’s participation in diploma-track math courses, particularly algebra.

The specific assistance the district provided to this student including 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 this student highlighting former attempts taking algebra and pre-algebra classes.

The assessment summary which indicates that this student participated in the Standardized Testing and Reporting program.

The above documentation was confidentially reviewed by a special education consultant. The district’s documentation provided facts indicating that failure to approve the request would result in this student not meeting graduation requirements.

Demographic Information: Castro Valley Unified School District has a student population of 9,023 and is located in a small city in Alameda County.

Authority for Waiver: EC Section 56101

Period of request: June 17, 2011, to August 15, 2011

Local board approval date(s): June 30, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

AIG-R-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

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

CDS CODE

| 0 | 1 | 6 | 1 | 1 | 5 | 0 |

Local educational agency:
Castro Valley Unified School District

Contact name and recipient of approval/denial notice:
Blaine Cowick / Carol Rumsey

Contact person’s e-mail address:
bcowick@cu.k12.ca.us
cremsey@cu.k12.ca.us

Address: 4400 Alma Ave., Castro Valley, CA 94546

Phone (and extension, if necessary): 510-537-3000 x 1200
Fax number:

Period of request: (month/day/year)
From: 6/17/2011 To: 8/15/2011

Local board approval date or SELPA signature date (required)
SELPA DATE: 6/30/2011

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 1 pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the 2010-11 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:
## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2011 AGENDA

<table>
<thead>
<tr>
<th>Subject</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Waiver</td>
<td>✔</td>
<td>☐</td>
</tr>
</tbody>
</table>

### Specific Waiver

**SUBJECT**

Request by **Simi Valley Unified School District** 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 one special education student based on **Education Code** Section 56101, the special education waiver authority.

Waiver Number: 55-3-2011

### RECOMMENDATION

☐ Approval   ✔ Approval with conditions   ☐ Denial

The California Department of Education recommends approval with the following conditions that the State Board of Education (SBE) approve the request to waive only the requirement that one student successfully completes a course in Algebra I (or its equivalent) for the 2010–11 graduating year. The student has 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 student does not graduate in 2010–11, this waiver does not relieve the student of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2011–12 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.

### SUMMARY OF KEY ISSUES

- A valid and current copy of the student’s individualized education program (IEP) was provided highlighting the areas of mathematic deficiencies and how the student’s needs in mathematics were addressed.
SUMMARY OF KEY ISSUES (Cont.)

- Selected pages from the student’s IEPs from three previous years show that the student was consistently on a diploma-track, and that the IEPs were written to support the student’s participation in diploma-track math courses, particularly algebra.

- The specific assistance the district provided to this student 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 this student highlights attempts to pass algebra and pre-algebra classes.

- An assessment summary reports that this student 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 special education consultant. The district’s documentation provided facts indicating that failure to approve the request would result in this student not meeting graduation requirements.

Demographic Information: The Simi Valley Unified School District has a total student population of 19,930 and is located in the city of Simi Valley, California, in Ventura County.

Authority for Waiver: EC Section 56101

Period of request: March 1, 2011, to June 15, 2011

Local board approval date(s): April 11, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (1 page) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST
AIGR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/rl/wa/wa/

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:
Simi Valley Unified School District

Address: SVUSD, 875 E. Cochran St, Simi Valley, CA 93065

Period of request: From: 3/1/11 To: 6/15/11

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 _one_ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the _2010-11_ 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: SVUSD Superintendent Date: 3/17/11
Signature of SELPA Director (only if a Special Education Waiver) Date: 4/11/11

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

Waiver Number: 40-6-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval of the renewal waiver for Julia Newton, with the following conditions:

1. The Sutter County Office of Education (COE) must provide Ms. Newton with weekly one-on-one mentorship, based upon an individualized professional development plan, by a qualified interpreter.

2. By June 2012, the Sutter COE must provide CDE with new assessment scores for Ms. Newton. The scores must be from one of the assessments named in the California Code of Regulations, Title 5, Section 3051.16(b)(3).

3. If Ms. Newton does not meet the qualification standard, the Sutter COE will not request a waiver for the 2011-12 school year.

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.

Since 2007, 175 of these waivers have been approved by the SBE, and 21 have been denied.
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).

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.

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,*
SUMMARY OF KEY ISSUES (Cont.)

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
SUMMARY OF KEY ISSUES (Cont.)

The 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>
<thead>
<tr>
<th>Score</th>
<th>Rate of accuracy of interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>40%</td>
</tr>
<tr>
<td>3</td>
<td>60%</td>
</tr>
<tr>
<td>4</td>
<td>80%</td>
</tr>
<tr>
<td>5</td>
<td>100%</td>
</tr>
</tbody>
</table>

The Sutter COE provides special education and related services for 17 deaf and 14 hard of hearing students.

The Sutter COE’s job description for educational interpreters is reflective of the regulatory requirements.

During the 2009-10 school year, the Sutter COE was granted waivers of the regulatory requirement for four interpreters, including Ms. Newton. During the 2010-11 school year, the Sutter COE was granted waivers of the regulatory qualification standard for two educational interpreters, again including Ms. Newton. The Sutter COE has been diligent in providing training and mentoring opportunities for its educational interpreters.

At this time, the Sutter COE employs seven educational interpreters, six of whom are fully qualified. The Sutter COE is requesting a third renewal waiver of the regulatory qualification standard for Ms. Newton.
SUMMARY OF KEY ISSUES (Cont.)

Ms. Newton has been employed as an educational interpreter by the Sutter COE since October 10, 1988. In May 2009, Ms. Newton took the EIPA and achieved a score of 3.7. She took the EIPA Pre-Hire Screen in June 2010, and scored “OK to Hire.” She retook the EIPA in February 2011, and again scored 3.7. She took the ESSE in April 2011, and the results are pending.

The following is a summary of Ms. Newton’s assessment results:

<table>
<thead>
<tr>
<th>Date</th>
<th>Assessment</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 29, 2009</td>
<td>EIPA</td>
<td>3.7 (74%)</td>
</tr>
<tr>
<td>June 8, 2010</td>
<td>EIPA Pre-Hire Screen</td>
<td>“OK to Hire”</td>
</tr>
<tr>
<td>February 12, 2011</td>
<td>EIPA</td>
<td>3.7 (74%)</td>
</tr>
<tr>
<td>April 30, 2011</td>
<td>ESSE</td>
<td>Scores pending October 2011</td>
</tr>
</tbody>
</table>

*Percentages in parentheses indicate rate of accuracy of interpretation.

Ms. Newton did meet the conditions of the 2010-11 waiver by working with a mentor and retaking the EIPA exam. Her score remained the same (3.7), but with further mentoring, Ms. Newton may achieve a passing score of 4.0 or above. The CDE recommends that this waiver request be approved with conditions, to give Ms. Newton a last opportunity to meet the qualification standard.

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.

Demographic Information: The Sutter COE has a student population of 670 special education students and is located in rural Sutter County.

Authority for Waiver: EC Section 33050

Period of request: July 1, 2011, to June 30, 2012

Local board approval date(s): June 21, 2011

Public hearing held on date(s): June 21, 2011
SUMMARY OF KEY ISSUES (Cont.)

Bargaining unit(s) consulted on date(s): Throughout the 2010-11 school year (constant communication)

Name of bargaining unit/representative(s) consulted: California School Employees Association (CSEA), Chapter 634/Pamella Massie

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate): CSEA and the County Office administration have been working closely together to provide support and guidance to the interpreters with the common goal of reaching compliance.

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Community Advisory Committee (CAC)

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: June 15, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
First Time Waiver: ___  
Renewal Waiver:  _X_  

<table>
<thead>
<tr>
<th>CD CODE</th>
<th>5</th>
<th>1</th>
<th>1</th>
<th>0</th>
<th>5</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
</table>

Local educational agency: 
Office of Education  
SUTTER COUNTY SUPERINTENDENT OF SCHOOLS  
Jb 7/8/11  

Contact name and Title: 
Wendy Bedard, Human Resources Director  

Contact person’s e-mail address: 
wendyb@sutter.k12.ca.us  

Address: 
970 Klamath Lane, Yuba City, CA 95993  

Phone (and extension, if necessary): 
(530) 822-2905  
Fax Number: 
(530) 671-3422  

From: 7/1/2011  
To: 6/30/2012  

Period of request: (month/day/year)  
Local board approval date: (Required) 
June 21, 2011  
Date of public hearing: (Required) 
June 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 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: __ Julie Newton  

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 42-6-2010-W-35 and date of SBE Approval September 16, 2010.  

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):  
Throughout the 10-11 school year (constant communication)  
California School Employees Association (CSEA)  
Name of bargaining unit and representative(s) consulted:  
Pamella Massie, CSEA, Chapter 634  
The position(s) of the bargaining unit(s): __ Neutral  _X_ Support  __ Oppose (Please specify why)  
Comments (if appropriate):  
CSEA and the County Office administration have been working closely together to provide support and guidance to the interpreters with the common goal of reaching compliance.  

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:  
Community Advisory Committee (CAC)  
Date the committee/council reviewed the waiver request:  
June 15, 2011  
Were there any objection(s)? No _X_ Yes ___ (If there were objections please specify)
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (1-8-10)
Educational Interpreter

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. Each LEA (district or county) request must include a copy of district's current educational interpreter job description, which reflects the qualification standards of 5 CCR 3051.16.

For each interpreter, please attach the following:
2. Name, date and score of most recent (within the last 12 months) interpreter assessment (EIPA, ESSE, or NAD/ACCI)
3. Name, dates and scores of previous assessments
4. Date of hire
5. Efforts made by the LEA on behalf of the employee, to achieve this certification since August 28, 2002
6. Record of previous training/mentoring
7. Remediation plan, including training/mentoring by RID certified interpreter signed by the interpreter and the union representative. (should indicate the interpreter may not continue to be employed if they can’t attain the required scores.
8. If interpreter has previous waivers, copies of the conditions of approval and evidence of meeting those conditions.

8. Demographic Information:
(District/school/program) Sutter County Superintendent of Schools has a student population of 670 Special Education Students and is located in a Rural (urban, rural, or small city etc.) Yuba City in Sutter 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: 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:
TO: Julie Newton, Educational Interpreter
FROM: Barbara Hickman, Director, Special Education
DATE: June 22, 2011
RE: Educational Interpreter 2011-2012 Remediation Plan

This letter is to inform you that the state requires a remediation plan to be included with the waiver request. A waiver, if granted, will allow you to work as an Educational Interpreter for the 2011-2012 school year. You have been eligible to continue employment with Sutter County Superintendent of Schools due to a previous waiver issued by the California State Board of Education. A 4.0 score on an acceptable sign language assessment is the state requirement which is listed below in the California Code of Regulations (CCR).

California Code of Regulations (CCR), Title 5, Section 3051.16(b)(3) states the following: 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.

At this time, you have not provided Sutter County Superintendent of Schools office any of the aforementioned assessments with a required score of 4.0. Therefore, the Remediation Plan below will be followed by you to assist you in meeting qualification requirements of a Sign Language Interpreter.

Remediation Plan:
- As soon as possible, the Sutter County Superintendent of Schools Office must provide CDE with your assessment scores (EIPA or ESSE); therefore, you are required to submit your scores to the Human Resources Department as soon as they are received by you (results anticipated by the end of July, 2011).
- You are required to take advantage of the opportunities and resources available from Sutter County Superintendent of Schools office to maximize your assessment score.

Opportunities available to you are listed below:
- Participate in individual mentoring with professional mentor who is RID Certified. You are encouraged to film samples of your work, self-assess the skill domains, and work with the mentor to determine the root causes of issues with skills.
- Participate in peer mentoring activities with other staff interpreters. We will work with the schedule to allow you to shadow other certified interpreters.
- Participate in group training sessions, workshops, conferences and any other organized professional development activities as they become available throughout the year.
June 22, 2011

Based on your prior assessments, your specific areas of focus should be:

- Processing time that is efficient and results in fluency and conveying the overall message, including the teacher’s content and intent. Focus on clear sentence boundaries to manage the flow of the delivery and to ensure semantically accurate vocabulary.
- Use of prosodic features to show emphasis, affect and emotion, specifically focusing on conveying the educational importance of the content.
- Production of non-manual markers to show adverbs and adjectives.
- Spatial organization to organize, describe, compare, and establish discourse referents.
- Increasing and improving the use of the ASL classifier system.
- Appropriate use of finger spelling and representation of key vocabulary. Improve production of numbers.
- Sign to English skills, both receptive and expressive. Specific focus on receptive finger spelling and conveying the signer’s non-manual markers and ASL morphology.

The Sutter County Superintendent of Schools Office 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. Your continued employment will be contingent on the California State Board’s approval of the waiver request or a score of 4.0 on one of the CCR approved assessments. There is no guarantee that the waiver will be granted when requested.

Should you have any questions and/or concerns, please contact Wendy Bedard, Human Resources Director at (530) 822-2905. Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on an interpreter assessment in the near future.

Employee

CSEA, Local Chapter President

Director, Special Education

Director, Human Resources
ITEM W-44
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

General Waiver

SUBJECT
Request by Coachella Valley Unified 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 (ESY) (summer school) for special education students.

Waiver Number: 54-4-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: (1) That special education and related services offered during the extended year period are comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by California Code of Regulations, Title 5, (5 CCR), Section 3043(d), and (2) that the ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 14 day period as it would have during the typical 20 ESY program and will receive the reimbursement for the 20 days of instruction.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of time in fewer days during the ESY for special education students.

Extended school year is the term for the education of special education students “between the close of one academic year and the beginning of the next,” similar to a summer school. The difference is that if a student’s individualized education program (IEP) requires an ESY, the district is required to offer the schooling, unlike most summer schools.

SUMMARY OF KEY ISSUES

The Coachella Valley Unified School District is requesting a waiver to provide an ESY program for special education students for 14 days instead of the traditional 20-day model. The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 14 day period as it would have during the typical 20-day ESY program.
SUMMARY OF KEY ISSUES (Cont.)

The proposed ESY program would operate from June 14, 2011, to July 1, 2011, with June 13 serving as a teacher preparation day. This waiver would allow special education students to continue to participate in their educational program, as noted on their IEPs, without interruption and receive services that are comparable in scope and quality of those offered during the regular academic school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). 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: Coachella Valley Unified School District has a student population of 17,409 and is located in a rural area in Riverside County.

Authority for Waiver: California Education Code Section 33050

Period of request: June 13, 2011, to July 1, 2011

Local board approval date(s): May 12, 2011

Bargaining unit(s) consulted on date(s): The district consulted with the Coachella Valley Teacher Association and California School Employees Association on May 5, 2011.

Name of bargaining unit/representative(s) consulted: Coachella Valley Teacher Association, Alexis Lanza, President and California School Employees Association, Leo Reyes, President

Position of bargaining unit(s) (choose only one):
Neutral ☑ Support Oppose

Revised: 9/1/2011 4:15 PM
Advisory committee(s) consulted: Special Education Parent Advisory Committee

Objections raised (choose one): ☒ None

Date(s) consulted: May 5, 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 SBE Office or 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

**CD CODE**

| 3 | 3 | 7 | 3 | 6 | 7 | 6 |

**Local educational agency:**
Coachella Valley Unified School District

**Contact name and Title:**
Laura Fisher, Director PPS/Special Educ

**Contact person’s e-mail address:**
lfisher@cvusd.us

**Address:**
87-225 Church St  Thermal  CA  92274

**Phone (and extension, if necessary):**
(760) 399-5137, x 349

**Fax Number:**
(760) 399-1310

**Period of request:**
From: 6/13/2011  To: 7/1/2013

**Local board approval date:**
5/12/11

**Date of public hearing:**
5/12/11

**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, Section 3043 (d)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A  and date of SBE Approval N/A

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 5, 2011

   **Name of bargaining unit and representative(s) consulted:**
   Coachella Valley Teacher Association – Alexis Lanza, President
   California School Employees Association, Leo Reyes, 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  ___ Notice posted at each school  ____ Other: (Please specify) Name of district and/or regional provider

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Virginia Alba, President – Special Education Parent Advisory Committee

   **Date the committee/council reviewed the waiver request:**
   May 5, 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**).

Requested by Coachella Valley Unified School District to waive California Code of Regulation (CCR), Title 5, Section 3043 (d) which requires a minimum of 20 school days of attendance (with varied minutes depending on grade level of students) for an extended school year for special education students.

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 Coachella Valley Unified School District is requesting a waiver to allow the district’s Special Education Extended School Year (ESY) program to run for 14 days instead of the 20 days.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 14 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction.

8. Demographic Information:

Coachella Valley Unified School District has a student population of 17,409 and is located in a rural, agricultural area in Riverside County.

<table>
<thead>
<tr>
<th>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</th>
<th>No X Yes □</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 Categorical Program Monitoring (CPM) finding on this issue?</th>
<th>No X 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.

| Signature of Superintendent or Designee: Dr. Darryl Adams | Title: District Interim Superintendent | Date: 6/10/11 |

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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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<th>Date:</th>
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| Deputy (type or print): | Deputy Signature: | Date: |
ITEM W-45
California State Board of Education

September 2011 Agenda

General Waiver

Subject

Request by National 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 service (ESY) for special education students.

Waiver Number: 18-6-2011

Recommendation

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education recommends approval with the following conditions: (1) That the State Board of Education (SBE) approve the district’s request to provide ESY services for 15 days rather than 20 days with the condition that special education and related services offered during the extended year period are comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by California Code of Regulations, Title 5, (5 CCR), Section 3043(d), and (2) that the ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 15 day period as it would have during the typical 20 ESY program and will receive the reimbursement for the 20 days of instruction.

Summary of Previous State Board of Education Discussion and Action

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of time in fewer days during the ESY for special education students.

Extended School Year is the term for the education of special education students “between the close of one academic year and the beginning of the next,” similar to a summer school. The difference is that if a student’s individualized education program (IEP) requires an ESY service, the district is required to offer the schooling, unlike most summer schools.

Summary of Key Issues

The National School District is requesting a waiver to modify the traditional 20-day ESY program to 15 days, due to the circumstances described below. This request is for the current school year only (2010–11).
SUMMARY OF KEY ISSUES (Cont.)

National School District has approximately 89 students with IEPs who qualify for an ESY program. The district will not convene a summer school program for general education students this summer, and beginning with the 2011–12 school year, will modify its school calendar to align with other area secondary schools.

The proposed ESY calendar is for the period of June 20, 2011, through July 8, 2011. As the modified 2011–12 school year will begin 10 days later, on July 25, 2011, the district believes that a 15-day ESY program, combined with the short period of time with no school, addresses the regression and recoupment needs of identified students. This request is delayed due to contract negotiations related to realigning the school year calendar that could have potentially impacted the ESY calendar.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a). 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: National School District has a student population of 5,821 and is located in a small city in San Diego County.

Authority for Waiver: California Education Code Section 33050

Period of request: June 20, 2011, to July 8, 2011

Local board approval date(s): March 23, 2011

Public hearing held on date(s): March 23, 2011

Bargaining unit(s) consulted on date(s): National City Teachers Association (NCTA) on March 23, 2011 and June 29, 2011.

Name of bargaining unit/representative(s) consulted: Linda Cartwright, NCTA, President, on March 21, 2011, and Mary Ellen Brueman, California Teachers
Association, field representative, on June 29, 2011.

**Position of bargaining unit(s) (choose only one):**
- [ ] Neutral
- [x] Support
- [ ] Oppose

Comments: “Due to the calendar change, the Unions understand that students and staff will be best served with shortened sessions.”

**Public hearing advertised by (choose one or more):**
- [ ] posting in a newspaper
- [x] posting at each school
- [ ] other (specify)

**Advisory committee(s) consulted:** The district’s Leadership Committee and the parents of students who qualify for an ESY program.

**Objections raised (choose one):**
- [x] None
- [ ] Objections are as follows:

**Date(s) consulted:** Various, based upon IEP meetings.

**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no significant statewide fiscal impact with waiver approval or denial.

**ATTACHMENT(S)**

Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
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  

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<td>Local educational agency:</td>
<td>jb 7/22/11</td>
</tr>
<tr>
<td>National Elementary School District</td>
<td>Roxie Jackson, Director Student Support Services</td>
</tr>
<tr>
<td>Address:</td>
<td>1500 “N” Avenue, National City, CA 91950</td>
</tr>
<tr>
<td>Phone (and extension, if necessary):</td>
<td>619-336-7740</td>
</tr>
<tr>
<td>Period of request:</td>
<td>June 15, 2011 to July 25, 2011</td>
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<tr>
<td>Local board approval date:</td>
<td>March 23, 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):  
   California Code of Regulations, Title 5, Section 3043(d)  
   Topic of the waiver: Extended school year for special education students

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?  
   Yes  
   If yes, please complete required information below:

   - Bargaining unit(s) consulted on date(s):  
     March 21, 2011 after the survey was completed  
   - Name of bargaining unit and representative(s) consulted: National City Teachers Association, Linda Cartwright, President  
   - The position(s) of the bargaining unit(s):  
     Neutral  
     Support  
     Oppose (Please specify why)

   - Comments (if appropriate):  
     Due to the calendar change, the Unions understands that students and staff will be best served with the shortened session.

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: District Leadership Committee, the shortened session has been discussed with the majority of parents of students who qualify for ESY, with no objections voiced.

   - Were there any objection(s)?  
     No  
     Yes ___  
     (If there were objections please specify)
6. *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

7. National School District is requesting a waiver to modify the required 20 day extended school year (ESY) program to 15 days, due to the circumstances described below. This request is for the current school year only (2010-11).

National School District has approximately 89 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the District. Beginning with the 2011-12 school year, the district will be modifying its school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2010-11 school year is June 16, the first day of the 2011-12 school year is July 25, 2011, providing only 25 days to hold an ESY session.

A 15 day ESY program combined with a shortened 13 day period with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students' teachers and aides will choose to work if the session is shorter.

This request is somewhat delayed due to contract negotiations that could have potentially impacted the calendar. The contract has now been approved to realign the calendar.

8. National School District is a K-6 District and has a total student population of 5,821 students and is located in a small city in San Diego County. A total of 730 students have IEPs and 89 qualify for ESY.

| **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: | Roxie Jackson |
| Title: | Director of Student Support Services |
| Date: | March 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: |
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-46
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

Specific Waiver

Request by Napa Valley Unified School District Special Education Local Plan Area under authority of California Education Code Section 56101 to waive Education Code Section 56366.1(h), the August through October 31 timeline for an annual certification renewal application, for My Therapy Company, a nonpublic agency.

Waiver Number: 62-4-2011

RECOMMENDATION

- Approval
- Approval with conditions
- Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Napa Valley Unified School District special education local plan area (SELPA) requests to waive the annual application deadline (October 31) for submission of a renewal application for My Therapy Company, a nonpublic agency. Such requests have been routinely approved by the State Board of Education (SBE) allowing the California Department of Education (CDE), Special Education Division staff to review the renewal application beyond the statutory deadline. This waiver meets the SBE Waiver Policy #00-03 Non Public School/Agency Certification (Annual Renewal Application Deadline), available at: [http://www.cde.ca.gov/re/lr/wr/documents/nonpublicrenewal.doc](http://www.cde.ca.gov/re/lr/wr/documents/nonpublicrenewal.doc).

SUMMARY OF KEY ISSUES

The Napa Valley Unified School District states that My Therapy Company, a nonpublic agency (NPA), missed the annual application deadline as set forth in California Education Code Section 56366.1(h), which states that certification renewal applications for nonpublic agencies must be received during the August 1 through October 31 time period.

Students are currently being provided occupational therapy services and language and speech development and remediation by the NPA and continued services by the NPA are necessary to meet student service individualized education program requirements. SELPA students served by this NPA would not receive services without the approval of this waiver.
SUMMARY OF KEY ISSUES (Cont.)

Demographic Information: Napa Valley Unified School district has a student population of 17,000 and is located in a small city in Napa County.

Authority for Waiver: EC Section 56101

Period of request: October 31, 2010, to October 31, 2011

Local board approval date(s): May 19, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
WAIVER GUIDELINES
Non Public School/Agency Certification (Annual Renewal Application Deadline)

POLICY # 00-03
DATE May 2000

REFERENCES
Education Code (EC) sections 56101 and 56366.1

HISTORICAL NOTES
None.

EC Section 56366.1(h):
The Superintendent shall annually review the certification of each nonpublic, nonsectarian school and agency. For this purpose, a certified school or agency shall annually update its application between August 1 and October 31, unless the board grants a waiver pursuant to Section 51601. The superintendent may conduct an onsite review as part of the annual review.

Background:
Nonpublic schools and agencies (NPS/NPA) are required to update their applications annually. EC Section 56366.1(h) establishes the period during which the California Department of Education (CDE) accepts and evaluates these applications. Occasionally, an individual NPS/NPA will inadvertently miss the deadline. When there is an urgent need to renew the certification (e.g., when special education students are currently being provided with services by the NPS/NPA), a local education agency (LEA) submits a waiver request to the State Board for approval.

Requests to waive the deadline (October 31) for submission of an annual renewal application have been routinely approved by the State Board in the past. Approval of such requests allows CDE Special Education Division staff to review the renewal application beyond the statutory deadline.

Evaluation Guidelines:
A school district, county office of education, or Special Education Local Plan Area (SELPA) requesting a waiver of the deadline for renew certification by an NPS/NPA must justify the request by indicating:

- Why the NPS/NPA missed the deadline; and
- How the waiver will benefit the students being served.
CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

First Time Waiver: __
Renewal Waiver: __

SW-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: Napa Valley Unified School District
Contact name and Title: Adam Stein, Director, Special Education
Contact person’s e-mail address: astein@nvusd.k12.ca.us

Address: 2425 Jefferson Street, Napa, CA 94558

Period of request: 10-31-10 to 10-31-11
From: 8/1/10 To: 6/30/11

Local board approval date: SELPA APPROVAL 5/19/2011
SELPA APPROVAL 5/19/2011
kak 5/24/11

LEGAL CRITERIA

1. Authority for the waiver: _____ Specific code section: __________
   56101. (a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or to the implementation 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.

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived: (number) Circle One: EC or CCR
   Brief Description of the topic of the waiver: NPA Recertification: My Therapy Company
   kak 5/24/11

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.
   Not required for Special Ed. Jb 8/1/11

4. Collective bargaining unit information. (Not necessary for EC 56101 waivers) N/A
   Does the district have any employee bargaining units? __ 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):
   Not required for Special Ed. Jb 8/1/11

5. Advisory committee or school site council that reviewed the waiver. Name: N/A for SELPA
   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:
   ___ Approve ___ Neutral ___ Oppose
   Were there any objection? Yes ___ No ___ (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.)

56366.1(a) A nonpublic, nonsectarian school or agency that seeks certification shall file an application with the Superintendent on forms provided by the department and include the following information on the application: (1) A description of the special education and designated instruction and services provided to individuals with exceptional needs if the application is for nonpublic, nonsectarian school certification.

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.)

Regarding MyTherapyCompany, a non public agency, code with sit code 1A-01-092. MyTherapyCompany services children at over 12 school districts in CA at present, ell over 400 kids at this time. Due to a mailing error, their renewal application as and NPA was received by Jenna Canez at the Special Education Division o the California Department of Education after the deadline. MyTherapyCompany renewal application and payment for 2011 is with her office at present.

Thank you for your consideration in granting a waiver for this NPA.

8. Demographic Information:
Napa Valley Unified has a student population of __17,000__ and is located in a small city in Napa County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344)  
(If yes, please attach explanation or copy of audit finding)  
X  No  __  Yes

Has there been a Categorical Program Monitoring (CPM) finding on this issue?  
(If yes, please attach explanation or copy of CPM finding)  
X  No  __  Yes

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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<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 State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-47
**California State Board of Education**

**September 2011 Agenda**

**Specific Waiver**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Action</th>
<th>Consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request by Santa Barbara County Special Education Local Plan Area under authority of California Education Code Section 56101 to waive Education Code Section 56366.1(h), the August through October 31 timeline for an annual certification renewal application, for The Language Center, a nonpublic agency.</td>
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Waiver Number: 23-6-2011

**Recommendation**

- Approval
- Approval with conditions
- Denial

**Summary of Previous State Board of Education Discussion and Action**

The Santa Barbara County special education local plan area (SELPA) requests to waive the annual application deadline (October 31) for submission of a renewal application for The Language Center, a nonpublic agency. Such requests have been routinely approved by the State Board of Education (SBE) allowing the California Department of Education (CDE), Special Education Division staff, to review the renewal application beyond the statutory deadline. This waiver meets the SBE Waiver Policy #00-03 Non Public School/Agency Certification (Annual Renewal Application Deadline), available at [http://www.cde.ca.gov/re/lr/wr/documents/nonpublicrenewal.doc](http://www.cde.ca.gov/re/lr/wr/documents/nonpublicrenewal.doc).

**Summary of Key Issues**

The Santa Barbara County SELPA avers that The Language Center, a nonpublic agency (NPA), missed the annual application deadline as set forth in California Education Code Section 56366.1(h), which states that certification renewal applications for nonpublic agencies must be received during the August 1 through October 31 time period.

Students are currently being provided language and speech development and remediation by the NPA and continued services by the NPA are necessary to meet student service individualized education program requirements. SELPA students served by this NPA would not receive services without the approval of this waiver.
SUMMARY OF KEY ISSUES (Cont.)

Demographic Information: The Language Center NPA has a student population of two and contracts with the Solvang School District and the Santa Barbara Unified School District.

Authority for Waiver: EC Section 56101

Period of request: October 31, 2010, to October 31, 2011

Local board approval date(s): May 25, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
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: __

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 County SELPA
The Language Center  jb 6/28/11

Contact name and Title:  jb 6/28/11
Jarice Butterfield, SELPA Director
Nancy Bagshaw-Kurtzer MA, CCC-SLP

Contact person’s e-mail address:
Tlc898@gmail.com

Address:  (City)  (State)  (ZIP)
Santa Barbara COE Selpa: Jarice Butterfield 401 N. Fairview, Goleta, CA 92117-1796
4141 State Street  Santa Barbara, CA 93110  93109
2211 Elsie Way  jb 6/2811

Phone (and extension, if necessary):
805-683-1424  jb 6/28/11
805-967-1960  fax
805 6925099 Fax no:  805 6925272

Period of request:  (month/day/year)
From: 10/31/2010  To: 10/31/2011
Local board approval date: (Required)
SELPA approved  5/25/2011  jb 6/28/11

LEGAL CRITERIA

1. Authority for the waiver:  EC 56101  Specific code section:  56366.1(h)
   Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.
   
   Education Code Section 56366.1 (h) allows a local educational agency or nonpublic, nonsectarian school or agency to petition the Superintendent to waive one or more of the requirements under the authority of California Education Code 56101.

2. Education Code or California Code of Regulations or portion to be waived.
   Section to be waived:  56366.1(h) Circle One:  EC or CCR
   Brief Description of the topic of the waiver:  I am requesting a waiver of the NPA filing time period for 2010.

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 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)  Not Required
   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:  Not Required
   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:  Not required for NPA Waiver
   ___ Approve  ___ Neutral  ___ Oppose
   Were there any objection? Yes ___ No ___ (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 56366.1(h) the Superintendent annually shall review the certification of each nonpublic, nonsectarian school and agency. For this purpose, a certified school or agency annually shall update its application between **August 1 and October 31**, unless the board grants a waiver pursuant to Section 56101. The Superintendent may conduct an onsite review as part of the annual review.

Jb 6/28/11

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.)

I am requesting a waiver because I was in a rear-end car accident on 9/24/2010 that resulted in a concussion and concussion syndrome. After a concussion, one is, forgetful and has difficulty accomplishing tasks. Although my application was completed, I forgot to send it in before the due date. Should you have any questions please feel free to call me at 805 692-5099. Thank you for your consideration.

8. Demographic Information:

(District/school/program) Santa Barbara County Office of Education has a student population of 18,490 and is located in small cities and rural areas (urban, rural, or small city etc.) in Santa Barbara 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 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: |
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-48
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

☒ Specific Waiver

SUBJECT

Request by Poway Unified School District under authority of California Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100 to waive Education Code Section 56362(c), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Julie Goodwin is assigned to Monterey Ridge Elementary School.

Waiver Number: 3-6-2011

RECOMMENDATION

☐ Approval  ☒ Approval with conditions  ☐ Denial

The California Department of Education (CDE) recommends approval with the following condition: (1) Instructional aide time of 6 hours per day be provided to assist with the increased caseload, exceeding the minimum requirement of 5 hours, per California Code of Regulations, Title 5, Section 3100(d)(2).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California Education Code (EC) Section 56101 allows the 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, Section 3100(d)(2) 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 State Board of Education (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 time the waiver expires.
(2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

(3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their 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 State Board of Education 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 about 90 percent are approved.

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. The resource specialist coordinates special education services with general education programs.

The resource specialist, Julie Goodwin, was a permanent employee of the Poway Unified School District (PUSD) during the 2010−11 school year. The CDE attempted to contact Ms. Goodwin on June 16, 2011, to verify this fact, and learned that she took a leave of absence from the PUSD to join her husband in Japan. Page four of the waiver request, dated and signed by Ms. Goodwin on May 17, 2011, indicates her agreement with the waiver request and confirms that she received 6 hours of instructional aide time per day to assist with her caseload, exceeding the minimum requirement of 5 hours, per California Code of Regulations, Title 5, Section 3100(d)(2).

President Candy Smiley of the Poway Federation of Teachers (PFT) verified the PFT's supportive position of the waiver on June 16, 2011.

The Department recommends waiver approval. There have been no prior documented complaints registered with the CDE related to the PUSD exceeding the maximum resource specialist program caseload of 28 students.
SUMMARY OF KEY ISSUES (Cont.)

Demographic Information: Poway Unified School District has a student population of 33,000 and is located in the rural city of Poway in Northern San Diego County.

Authority for Waiver: EC Section 56362(c), 5 CCR 3100

Period of request: May 16, 2011, to June 9, 2011

Local board approval date(s): May 24, 2011

Bargaining unit(s) consulted on date(s): May 16, 2011

Name of bargaining unit/representative(s) consulted: Poway Federation of Teachers, Candy Smiley, President

Position of bargaining unit(s) (choose only one):
☐ Neutral  ☒ Support  ☐ Oppose

Date(s) consulted: May 16, 2011

FISCAL ANALYSIS (AS APPROPRIATE)

During the 2010–11 school year, budget reductions were necessary to balance the District’s fiscal situation and increasing costs of staffing from the general fund was not an option.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)
3-6-2011

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD

SW-RSC (Rev. 4-24-2009) http://www.cde.ca.gov/re/lr/wr/

Page 1 of 4

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814
Send electronic copy and back-up material to: waiver@cde.ca.gov

Faxed originals will not be accepted!

Local educational agency: Poway Unified School District
Contact name and recipient of approval/denial notice: Julie Goodwin, Director, Special Ed.
Contact person’s e-mail address: mbrown@powayusd.com
Address: 15250 Avenue of Science, San Diego, CA 92128
Phone (and extension, if necessary): (858) 521-2824
Fax number: (858) 485-1501

Period of request: From May 16, 2011 To June 9, 2011

Date approved by district board or COE board, SELPA, or other public education agency as defined by EC Section 56500.

May 24, 2011

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: One (1) 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: Julie Goodwin
Assigned school and mailing address: Monterey Ridge Elementary
17117 4S Ranch Parkway
San Diego CA 92127

Please add list of additional teacher names and schools/district as needed.
SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
SW-RSC (Rev. 4-24-2009)
Page 2 of 4

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)? Yes

If yes, please complete required information below:

Date(s) the bargaining unit(s) participated in the waiver development: May 16, 2010

Name of bargaining unit and/name of representative(s) consulted: Poway Federation of Teachers, Candy Smiley, Union President

Telephone contact for bargaining representative: (858) 674-2800

The position(s) of the bargaining unit(s): In agreement

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.

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<th>Signature of Superintendent or Designee: OR</th>
<th>Title:</th>
<th>Date:</th>
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<tr>
<td>/s/ John P. Collins</td>
<td>John P. Collins</td>
<td>5/24/2011</td>
</tr>
<tr>
<td>/s/ Theresa Kurtz</td>
<td>Theresa Kurtz</td>
<td>5/18/11</td>
</tr>
</tbody>
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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

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SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

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<tbody>
<tr>
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<td>SELPA/District/COE Name:</td>
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<td>Poway Unified</td>
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<td>2.</td>
<td>Name of Resource Specialist*:</td>
</tr>
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<td></td>
<td>Julie Goodwin</td>
</tr>
<tr>
<td>3.</td>
<td>School/District Assignment:</td>
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<td></td>
<td>Monterey Ridge Elementary</td>
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<tr>
<td>4.</td>
<td>Status:</td>
</tr>
<tr>
<td></td>
<td>Permanent</td>
</tr>
<tr>
<td>5.</td>
<td>Number of students: (caseload) proposed 32 students</td>
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<td>6.</td>
<td>Full time Equivalent (FTE%):</td>
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<td></td>
<td>1.0</td>
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<tr>
<td>7.</td>
<td>Number of periods or hours taught by Resource Specialist:</td>
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<td>5 hours</td>
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<td>8.</td>
<td>Average number of students per hour taught:</td>
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<td></td>
<td>5 students</td>
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<tr>
<td>9.</td>
<td>Indicate amount of Instructional Aide Time: 6.0 hours/day to be provided to this resource specialist with this waiver.</td>
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<td>Note: At least 5 hours of aide time is required when the caseload is over 28, per CCR, Title 5, Section 3100 (d)(2):</td>
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<td>9.</td>
<td>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):</td>
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<td>This waiver will not hinder the implementation of student services as outlined in their individualized education plan. Many of the caseloads contain IEPs for students on “monitor only” which in our district means all services are provided within the general education classrooms – their progress is monitored as part of the transition and eventual discharge from special education. In addition, the RSP will receive additional instructional assistant support during the duration of this waiver.</td>
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<td>10.</td>
<td>Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per CCR, Title 5, Section 3100(d):</td>
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<td></td>
<td>During the current school year, budget reductions were necessary to balance the District’s situation and increasing costs of staffing from the general fund was not an option.</td>
</tr>
<tr>
<td>11.</td>
<td>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>
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<tr>
<td></td>
<td>At expiration of this waiver, staffing readjustments will be placed for the onset of the 2011-2012 school year.</td>
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</table>

Certification – I hereby certify that the information provided on this application is correct and complete.

Administrator/Designee Name (Type or print): Melanie Brown

Authorized/Designee Signature: /s/ Melanie Brown

Title: Director, Special Education

Date: 5/18/11

Telephone number (and extension): (858) 521-2824

Fax Number: (858) 485-1501

*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>
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</thead>
<tbody>
<tr>
<td>Julie Goodwin</td>
<td>Monterey Ridge Elementary 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. This waiver will not hinder the implementation of student services as outlined in their individualized education plan. I will be receiving additional instructional assistant support during the duration of this waiver.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.
   
   Yes. This waiver will not hinder the implementation of student services as outlined in their individualized education plan. I will be receiving additional instructional assistant support during the duration of this waiver.

4. **EC** Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per CCR, Title 5, Section 3100 Regulations allow your agency to request a waiver of the **EC**, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

   Indicate your position regarding this waiver request by a check mark in one box.

   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 Two consecutive years.

<table>
<thead>
<tr>
<th>Resource Specialist Signature:</th>
<th>Date Signed:</th>
<th>Telephone/extension:</th>
</tr>
</thead>
<tbody>
<tr>
<td>/s/ Julie Goodwin</td>
<td>5/17/11</td>
<td>(858) 487-6887</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax Number: (858) 487-2050</td>
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</table>
California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM W-49
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

**General Waiver**

**SUBJECT**

Request by Los Angeles Unified School District for Vaughn Next Century Learning Center Charter School 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 and Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination.

Waiver Number: 38-6-2011

**RECOMMENDATION**

☑ Approval ☐ Approval with conditions ☐ Denial

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

The State Board of Education (SBE) has approved 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/waiverforms.asp](http://www.cde.ca.gov/re/lr/wr/waiverforms.asp)).

**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 Standardized Testing and Reporting (STAR) Program, the California High School Exit Examination (CAHSEE), and the California English Language Development Test (CELDT). The California Department of Education 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 due to the LEA staff responsible for this report did not receive the report until after the December 31 deadline. Staff verified that the LEA needed the waiver and had submitted its report after the deadline.
SUMMARY OF KEY ISSUES (Cont.)

The LEA is now aware of this important change in the timeline and understands that they must submit their reports to the Assessment and Accountability Division for reimbursement. Therefore, the Department recommends the approval of the 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: December 31, 2010, to September 8, 2011

Local board approval date(s): March 1, 2011

Public hearing held on date(s): March 11, 2011

Bargaining unit(s) consulted on date(s): Charter school does not have a bargaining unit.

Position of bargaining unit(s) (choose only one):

☐ Neutral    ☐ Support    ☐ Oppose:

Comments (if appropriate): None

Public hearing advertised by (choose one or more):

☒ posting in a newspaper    ☐ posting at each school    ☐ other (specify)

Objections raised (choose one):

☒ None    ☐ Objections are as follows:

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, the LEA will be reimbursed for the costs of the CAHSEE and the CELDT for the 2009–10 school years. Total costs are indicated on Attachment 1.
ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline – September 2011 (1 Page)

Attachment 2: General Waiver Request – Los Angeles Unified School District for Vaughn Next Century Learning Center (1 Page) (Original waiver request is signed and on file at the SBE Office or the Waiver Office)

Attachment 3: California High School Exit Examination Apportionment Information Report 2009–10 Administrations (1 Page)

**State Testing Apportionment Informational Report Deadline**

<table>
<thead>
<tr>
<th>REFERENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority: <em>Education Code (EC)</em> Section 33050, 862 (c)(2)(A)</td>
</tr>
<tr>
<td>Purpose: To waive portions of <em>California Code of Regulations</em>, Title 5 sections 862(c)(2)(A), 1225(b)(3)(A) and 11517.5(b)(1)(A).</td>
</tr>
</tbody>
</table>

**Background**

The assessment apportionment funds for the Standardized Testing and Reporting (STAR) Program, California High School Exit Examination (CAHSEE), and California English Language Development Test (CELDT) are unrestricted funds which are used, among other things, to reimburse local educational agencies (LEAs) for local costs associated with the assessments. In order to be reimbursed for these expenses, the LEA must file a report with the California Department of Education (CDE).

All three regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31 of each year (highlighted below) for the return of the Apportionment Information Report for prior year testing for STAR, CAHSEE, and CELDT to receive reimbursement.

If an LEA misses this deadline, they need to complete the entire local process to request a waiver of this deadline, and the State Board of Education must approve the waiver before the LEA can be reimbursed for the local costs associated with the assessments.

**Statutory Provisions:**

STAR program regulation CCR, Title 5 (5 CCR), Section 862 (c)(2)(A) requires that districts must send reports of the number of tests given to CDE by December 31; however in those same regulations, 5 CCR 862(c)(b)(2) allows a waiver of that deadline.
CAHSEE program regulation, 5 CCR 1225(b)(2)(A) requires that districts must send reports of the number of tests given to CDE by December 31; however, in those same regulations, 5CCR 862(c)(b)(2) allows a waiver of that deadline.

CELDT program regulation 5 CCR Section 11517.5(b)(1)(A) requires that districts must send reports of the number of tests given to CDE by December 31; however in those same regulations, 5 CCR 862(c)(b)(2) allows a waiver of that deadline.

The CDE Waiver Office has processed many waivers in the past, all of which were approved by the State Board of Education. CDE staff ensures that only waiver requests consistent with the evaluation guidelines are placed on the State Board’s consent calendar for waivers.

Evaluation Guidelines

The LEA:

- Will describe the circumstances that caused them to miss the apportionment deadline(s).
- Indicate that they are now all aware of this important change in the timeline and must submit their reports to the Standard and Assessment Division Office for reimbursement.
- Will put into place guidelines for all currently employed staff and new staff to follow so that this deadline will not be missed in the future.
Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline – September 2011

<table>
<thead>
<tr>
<th>Local Educational Agency</th>
<th>Waiver Number</th>
<th>Test Report Missing</th>
<th>Report Submitted</th>
<th>Fiscal Year</th>
<th>Reimbursement Amount</th>
<th>Union Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles Unified School District for Vaughn Next Century Learning Center</td>
<td>38-6-2011</td>
<td>California High School Exit Examination</td>
<td>Yes</td>
<td>2009–10</td>
<td>$516.00</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>California English Language Development Test</td>
<td>Yes</td>
<td>2009–10</td>
<td>$4,355.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

AIRW (10-2-2009) http://www.cde.ca.gov/re/lr/wr/

STATE TESTING

APPORTIONMENT INFORMATION

REPORT WAIVER

Local educational agency: kak 6/28/2011

Los Angeles Unified School District for: Vaughn Next Century Learning Center

Address: 13330 Vaughn Street (City) San Fernando (ZIP) 91340

Phone (and extension, if necessary): 818-896-7461 x7900

Fax number: 818-834-9036


Local board approval date: (Required) March 1, 2011

Contact name and recipient of approval/denial notice: Dr. Yvonne Chan

Contact person’s e-mail address: ychan@vaughncharter.com

DATE

CD CODE

1 9 6 4 7 3 3

Signature of Superintendent or Designee: Title: Date:

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Deputy (type or print): Deputy Signature: Date:

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…

   X 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 __ 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.

   N/A

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)

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.) The envelope containing the Apportionment Reports were placed in the mail bag to be picked up. Due to flooding, collapsed roof and construction, all outgoing mail was redirected to another location which caused the delay.

5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. The envelope containing the Apportionment Report will be taken to the U.S. Post Office and mailed directly from there.

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

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Deputy (type or print): Deputy Signature: Date:
This report was compiled from information taken from the California High School Exit Examination answer documents submitted for scoring examinations administered during the fiscal year July 1, 2009 through June 30, 2010. All students are reported in the grade indicated on the answer document (answer documents indicating Post-Grade Twelve Students does not change the grade level). To receive apportionment funds, the superintendent or charter school administrator must verify the accuracy, sign, date, and return this report to the California Department of Education (CDE) postmarked by December 31, 2010. Reports postmarked later than December 31, 2010, must be accompanied by a waiver request as provided for by California Education Code Section 33050. The CDE cannot release apportionment payments for late reports without a State Board of Education approved waiver.

**Vaughn Next Century Learning**

<table>
<thead>
<tr>
<th>Administration</th>
<th>Row</th>
<th>Pupils Tested with Any Portion (Subject) of Exam</th>
<th>Grade 10</th>
<th>Grade 11</th>
<th>Grade 12</th>
<th>Adult</th>
<th>Grade Unknown</th>
<th>A+B+C+D+E</th>
<th>Rate</th>
<th>Tested Apportionment Total (F x G)</th>
</tr>
</thead>
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<tr>
<td>July 28–29, 2009</td>
<td>1</td>
<td>Number Pupils Tested</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>$3.00</td>
<td>$0.00</td>
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<tr>
<td>October 6–7, 2009</td>
<td>2</td>
<td>Number Pupils Tested</td>
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<td>0</td>
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<td>0</td>
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<td>$0.00</td>
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<tr>
<td>November 3–4, 2009</td>
<td>3</td>
<td>Number Pupils Tested</td>
<td>0</td>
<td>21</td>
<td>7</td>
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<td>0</td>
<td>28</td>
<td>$3.00</td>
<td>$84.00</td>
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<td>December 5 &amp; 12, 2009 (Sat)</td>
<td>4</td>
<td>Number Pupils Tested</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>$3.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>February 2–3, 2010</td>
<td>5</td>
<td>Number Pupils Tested</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>$3.00</td>
<td>$0.00</td>
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<tr>
<td>March 16–17, 2010</td>
<td>6</td>
<td>Number Pupils Tested</td>
<td>128</td>
<td>13</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>144</td>
<td>$3.00</td>
<td>$432.00</td>
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<tr>
<td>May 11–12, 2010</td>
<td>7</td>
<td>Number Pupils Tested</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>$3.00</td>
<td>$0.00</td>
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<tr>
<td></td>
<td>8</td>
<td>Total Pupils Tested</td>
<td>128</td>
<td>34</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>172</td>
<td>$3.00</td>
<td>$516.00</td>
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</table>

<table>
<thead>
<tr>
<th>Administration</th>
<th>Row</th>
<th>Pupils Not Tested (Census) Demographic Information Only</th>
<th>Grade 10</th>
<th>Rate</th>
<th>Not Tested Apportionment Total (A x G)</th>
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</thead>
<tbody>
<tr>
<td>February 2–3, 2010</td>
<td>9</td>
<td>Number Pupils Not Tested</td>
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<td>$0.32</td>
<td>$0.00</td>
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<tr>
<td>March 16–17, 2010</td>
<td>10</td>
<td>Number Pupils Not Tested</td>
<td>0</td>
<td>$0.32</td>
<td>$0.00</td>
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<tr>
<td></td>
<td>11</td>
<td>Total Pupils Not Tested</td>
<td>0</td>
<td>$0.32</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**TOTAL APPORTIONMENT (Row 8 + Row 11):** $516.00

**Certification:** I certify (1) that all secure test materials have been returned and (2) the accuracy of the apportionment information, required per California Code of Regulations, Title 5, Section 1225, as reflected on this report.

Superintendent or Charter School Administrator Name: Anita Zepeda
Superintendent or Charter School Administrator Signature: [Signature]
Date: 12/17/10
District CAHSEE Coordinator Name: [Name]
CAHSEE Coordinator Phone: 319 846-7461
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

County Name: LOS ANGELES District Name: Vaughn Next Century Learning

County Code: 19 District Code: 64733

Charter Number: 0016

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>
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<tbody>
<tr>
<td>July 1 - October 31, 2009</td>
<td>Within 30 Days of Enrollment</td>
<td>871</td>
<td>$4,355.00</td>
</tr>
</tbody>
</table>

Number of Pupils Tested:

July 1, 2009 - June 30, 2010

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.

County Superintendent, District Superintendent, or Charter School Director

Anita Zepeda

Superintendent’s (or Charter School Director’s) Signature Date 12/17/10

Superintendent’s (or Charter School Director’s) E-mail azepe@vaughncharter.com

Claudia Delgado

District CELDT Coordinator

Claudia Delgado

District CELDT Coordinator’s Signature Date 12/17/10

District CELDT Coordinator’s E-mail cdeldgado@vaughncharter.com

ENTERED JAN 07 2011
CALIFORNIA STATE BOARD OF EDUCATION
SEPTEMBER 2011 AGENDA

☐ General Waiver

SUBJECT
Request by four 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; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

Waiver Numbers: 8-6-2011, 17-6-2011, 19-5-2011, and 22-5-2011

RECOMMENDATION

☐ Approval □ Approval with conditions □ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved 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 Standardized Testing and Reporting (STAR) Program, the California High School Exit Examination (CAHSEE), and 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 LEAs filing for this waiver request missed the 2008-09 or the 2009-10 fiscal year deadline for requesting reimbursement due to the LEA closure during the holiday season or because the staff responsible for this report did not receive the report until after the December 31 deadline. A few LEAs reported that they were undergoing changes in administration and new
staff did not realize that there was a December 31 deadline for submitting this report. One LEA reported that their office had moved and their mail was misplaced. Staff verified that these LEAs needed the waiver and each LEA had submitted its report after the deadline.

These LEAs are now all aware of this important change in the timeline and understand that they must submit their reports to the Assessment and Accountability Division for reimbursement. Therefore, the CDE recommends the approval of these waiver requests as required by regulation prior to final reimbursement.

Because these are general waivers, if the SBE decides to deny a 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: December 31, 2009, to September 8, 2011

Local board approval date(s): various dates

Public hearing held on date(s): various dates

Bargaining unit(s) consulted on date(s): various dates

Name of bargaining unit/representative(s) consulted: various

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose (various)

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ Web site, post office, and board agenda

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: various dates
FISCAL ANALYSIS (AS APPROPRIATE)

If the waivers are approved, these LEAs will be reimbursed for the costs of the STAR, CAHSEE, or the CELDT for the 2008-09 and 2009-10 school years. Total costs are indicated on Attachment 1.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline - September 2011 (1 Page)

Attachment 2: General Waiver Request – Compton Unified School District (1 Page) (Original waiver request is signed and on file at the SBE Office or the Waiver Office)

Attachment 3: Standardized Testing and Reporting Program Apportionment Information Report Spring 2010 (1 Page) (A printed copy is available in the SBE Office or the Waiver Office)

Attachment 4: Apportionment Information Report and Certification California English Language Development Test (CELDT) 2008-09 Report (1 Page) (A printed copy is available in the SBE Office or the Waiver Office)

Attachment 5: California English Language Development Test (CELDT) Apportionment Information Report 2009-10 Report (1 Page) (A printed copy is available in the SBE Office or the Waiver Office)

Attachment 6: General Waiver Request – Dunsmuir Joint Union High School District (1 Page) (Original waiver request is signed and on file at the SBE Office or the Waiver Office)

Attachment 7: Standardized Testing and Reporting Program Apportionment Information Report Spring 2010 (1 Page) (A printed copy is available in the SBE Office or the Waiver Office)

Attachment 8: General Waiver Request – Ballico-Cressey School District (1 Page) (Original waiver request is signed and on file at the SBE Office or the Waiver Office)

Attachment 9: Standardized Testing and Reporting Program Apportionment Information Report Spring 2010 (1 Page) (A printed copy is available in the SBE Office or the Waiver Office)

Attachment 10: General Waiver Request – Marin County Office of Education (1 Page) (Original waiver request is signed and on file at the SBE Office or the Waiver Office)
Attachment 11: California English Language Development Test (CELDT)
Apportionment Information Report 2009-10 Report (1 Page) (A printed copy is available in the SBE Office or the Waiver Office)
### Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline

<table>
<thead>
<tr>
<th>Local Educational Agency</th>
<th>Waiver Number</th>
<th>Test Report Missing</th>
<th>Report Submitted</th>
<th>Fiscal Year</th>
<th>Reimbursement Amount</th>
<th>Union Position</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>California English Language Development Test (CELDT)</td>
<td>Yes</td>
<td>2008–09</td>
<td>$72,150.00</td>
<td>Neutral/Support</td>
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<tr>
<td></td>
<td></td>
<td>CELDT</td>
<td>Yes</td>
<td>2009–10</td>
<td>$69,495.00</td>
<td>Neutral/Support</td>
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<td>Dunsmuir Joint Union High School District</td>
<td>17-6-2011</td>
<td>STAR</td>
<td>Yes</td>
<td>2009–10</td>
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<td>Neutral</td>
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<tr>
<td>Ballico-Cressey School District</td>
<td>19-5-2011</td>
<td>STAR</td>
<td>Yes</td>
<td>2009–10</td>
<td>$587.16</td>
<td>Neutral</td>
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<tr>
<td>Marin County Office of Education</td>
<td>22-5-2011</td>
<td>CELDT</td>
<td>Yes</td>
<td>2009–10</td>
<td>$285.00</td>
<td>Support</td>
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</table>
**CALIFORNIA DEPARTMENT OF EDUCATION**  
**GENERAL WAIVER REQUEST**  
AIRW (03/28/06)  
http://www.cde.ca.gov/re/lr/wr/  
Page 1 of 1

**STATE TESTING**  
**APPORTIONMENT INFORMATION**  
REPORT WAIVER

Send original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Faxes will not be accepted!

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### CDS CODE

| 1 | 9 | 7 | 3 | 4 | 3 | 7 |

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<table>
<thead>
<tr>
<th>Local educational agency:</th>
<th>Contact name and recipient of approval/denial notice:</th>
<th>Contact person’s e-mail address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compton Unified School District</td>
<td>Ramon Zavala</td>
<td><a href="mailto:rzavala@Compton.k12.ca.us">rzavala@Compton.k12.ca.us</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>
<th>Fax number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>501 S. Santa Fe Ave.</td>
<td>Compton</td>
<td>CA</td>
<td>(310)639-4321 x 67621</td>
<td>(310) 537 - 2485</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Period of request:</th>
<th>Local board approval date: (Required)</th>
<th>Date of public hearing: (Required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 31, 2010 to September 8, 2011</td>
<td>May 24, 2011</td>
<td>May 24, 2011</td>
</tr>
</tbody>
</table>

---

1. **Under the general waiver authority of Education Code 33050-33053, the California Code of Regulations Section(s) to be waived** (check one):  
- [x] STAR – 5CCR 862(c)(2)(A) …postmarked by December 31…  
- CAHSEE – 5CCR 1225(b)(2)(A) …postmarked by December 31…  
- [x] CELDT - 5CCR 11517.5(b)(1)(A) …postmarked by December 31…

2. **Collective bargaining unit information.** Does the district have any employee bargaining units?  
- [x] No  
- [ ] 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.  
California Employees Association (CEA); American Federation of Teachers (AFT); Service Employees International Union (SEIU)  
Bargaining unit(s) consulted on date(s): | May 17, 2011 | May 19, 2011 | May 24, 2011 | May 26, 2011 |
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of bargaining unit and representative(s) consulted:</td>
<td>CEA, Donald Sullivan (Neutral), AFT, local 6119, Carolyn Richie (Approve), SEIU Local 99, Adrian Cleavland (Approve) President, Chief Steward</td>
<td>President</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| The position(s) of the bargaining unit(s): | [x] 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?**  
- [ ] Notice in a newspaper  
- [x] Notice posted at each school  
- [ ] Other: (Please specify)

4. **Desired outcome/rationale.** State what you hope to accomplish with the waiver. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.)

CUSD would like to reclaim the apportionments for STAR and CELDT. As a result of eliminating various positions that dealt with processing apportionments, the 2010-11 STAR and the 2009-2010 and 2010-11 CELDT apportionments were overlooked.

---

**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>

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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

<table>
<thead>
<tr>
<th>Unit Manager (type or print):</th>
<th>Unit Manager Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<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>
This report was compiled from Standardized Testing and Reporting (STAR) Program multiple-choice answer documents submitted for scoring for the California Standards Tests (CSTs), California Modified Assessment (CMA), California Alternate Performance Assessment (CAPA), and Standards-based Test in Spanish (STS). Sign, date, and return this report to the CDE by December 31, 2010. Certified reports postmarked after December 31, 2010, cannot be paid without a waiver request approved by the State Board of Education.

Payment of late apportionment reports is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.

### District, County Office, or Charter School Name:
**COMPTON UNIFIED**

### Standardized Testing and Reporting Program Apportionment Information Report Spring 2010

<table>
<thead>
<tr>
<th>CDS Code. 19-73437</th>
<th>Charter #: 0000</th>
<th>Grade 2</th>
<th>Grade 3</th>
<th>Grade 4</th>
<th>Grade 5</th>
<th>Grade 6</th>
<th>Grade 7</th>
<th>Grade 8</th>
<th>Grade 9</th>
<th>Grade 10</th>
<th>Grade 11</th>
<th>Total</th>
<th>Rate</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td></td>
<td>2,300</td>
<td>2,127</td>
<td>2,238</td>
<td>2,114</td>
<td>1,988</td>
<td>1,975</td>
<td>2,147</td>
<td>1,744</td>
<td>1,734</td>
<td>1,415</td>
<td>19,783</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B</strong></td>
<td></td>
<td>2,284</td>
<td>2,109</td>
<td>2,221</td>
<td>2,099</td>
<td>1,972</td>
<td>1,956</td>
<td>2,134</td>
<td>1,737</td>
<td>1,708</td>
<td>1,404</td>
<td>19,624</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C</strong></td>
<td></td>
<td>2,300</td>
<td>2,127</td>
<td>2,242</td>
<td>2,114</td>
<td>1,988</td>
<td>1,975</td>
<td>2,147</td>
<td>1,744</td>
<td>1,734</td>
<td>1,415</td>
<td>19,786</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>D</strong></td>
<td></td>
<td>2,300</td>
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<td>2,242</td>
<td>2,114</td>
<td>1,988</td>
<td>1,975</td>
<td>2,147</td>
<td>1,744</td>
<td>1,734</td>
<td>1,415</td>
<td>19,786</td>
<td></td>
<td></td>
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<tr>
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<td>1,708</td>
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<td>19,624</td>
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<td><strong>F</strong></td>
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<td>1,734</td>
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<td><strong>G</strong></td>
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<td>1,744</td>
<td>1,734</td>
<td>1,415</td>
<td>19,786</td>
<td></td>
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</tbody>
</table>

### Designated Primary Language Test

<table>
<thead>
<tr>
<th>STS: Grades 2-11</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I</strong></td>
</tr>
<tr>
<td>Tested</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>J</strong></td>
</tr>
<tr>
<td>Tested with SLE</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

### Certification
- I certify the accuracy of the apportionment information required per California Code of Regulations, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 862 as reflected on this report (Rows A, D, E, F, G, J, L).
- Return: Mel Tan, Analyst Assessment, Accountability, and Awards Division California Department of Education 1430 N Street Suite 4202 Sacramento, CA 95814

**Karen E. Fivie**
Superintendent or Charter School Administrator Signature

**Aude L. Hill**
Superintendent or Charter School Administrator Signature

**District STAR Coordinator Name**

**Date**

**TOTAL STAR 2010 APPORTIONMENT [Row H + Row K + (-Row L)]:**

$48,886.74

**Student taking a combination of the CST and the CMA are only counted once.**

**Certification:** I certify the accuracy of the apportionment information required per California Code of Regulations, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 862 as reflected on this report (Rows A, D, E, F, G, J, L).
Return Form To:
Keri Wong, AGPA
Statewide Assessment Division
California Department of Education
1430 N Street, Suite #5408
Sacramento, CA 95814

Apportionment Information Report and Certification
California English Language Development Test (CELDT)
2008-09 Report

County Name: Los Angeles
District Name: Compton Unified
County Code: 19
District Code: 73437
Charter Number: 0000

Title 5, Section 11517.5 of the California Code of Regulations specifies that each school district shall receive an Apportionment Information Report that shall include the number of pupils assessed with the CELDT 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 the report must be postmarked by December 31. If postmarked after December 31, the apportionment information report must be accompanied by the State Testing Apportionment Information Report Waiver request as provided by Education Code 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 Education Code Section 60861 by the number of pupils in the school district tested with the CELDT during the previous fiscal year. Apportionments will not be processed until all information and certifications are provided. Return the form by U.S. mail to the address above. Do not FAX copies. Keep a copy for your records.

<table>
<thead>
<tr>
<th>Annual Assessment</th>
<th>Initial Assessment</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupils tested July 1 thru October 31, 2008</td>
<td>Pupils tested within 30 days of enrollment</td>
<td></td>
</tr>
<tr>
<td>Number of Pupils Tested July 1, 2008 – June 30, 2009</td>
<td>12084</td>
<td>2346</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.

District Superintendent, County Superintendent, or Charter School Director
Karen Frison

Superintendent’s (or Charter School Director’s) Signature

Date

District CELDT Coordinator
Irene Lee

District CELDT Coordinator’s Signature

Date 6/14/2009

Superintendent’s (or Charter School Director’s) E-mail kfrison@compton.k12.ca.us

Phone (310)639-4321

District CELDT Coordinator’s E-mail illee@compton.k12.ca.us

Phone (310)639-4321
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

College Name
County Name
LOS ANGELES
County Code
19
District Name
Compton Unified
District Code
73437
Charter Number
0000

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>Number of Pupils Tested</th>
<th>Annual Assessment July 1 - October 31, 2009</th>
<th>Initial Assessment Within 30 Days of Enrollment</th>
<th>Total Tested</th>
<th>Apportionment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2009 – June 30, 2010</td>
<td>11365</td>
<td>2534</td>
<td>13899</td>
<td>$69,495.00</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.

County Superintendent, District Superintendent, or Charter School Director
Karen Frison
Superintendent's (or Charter School Director's) Signature
Date
kfrison@compton.k12.ca.us
(310)639-4321

District CELDT Coordinator
Irene Lee
District CELDT Coordinator's Signature
Date
ilee@compton.k12.ca.us
(310)639-4321
CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
AIRW (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, Suite 5602
Sacramento, CA 95814

Send electronic copy in Word and
back-up material to: waiver@cde.ca.gov

Local educational agency:
Dunsmuir Joint Union High School District

Contact name and recipient of approval/denial notice:
Len Foreman

Contact person’s e-mail address: lforeman@sisnet.ssku.k12.ca.us

Address: 5805 High School Way, Dunsmuir, CA 96025

Period of request:
From 7/4/10 to 6/30/11

Local board approval date: (Required)
June 8, 2011

Date of public hearing: (Required)
June 8, 2011

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…
- **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):
- DJUHSD Southern Siskiyou Co. Teachers Assoc./CTA/NEA
- Dunsmuir Classified Employee Assoc.

Name of bargaining unit and representative(s) consulted:
- Danelle Cascarina, President (Classified)
- Greg Sprull, President, (CTA)

The position(s) of the bargaining unit(s): _X_ Neutral ___ 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?
- Notice in a newspaper _X_ Notice posted at each school _X_ Other: (Please specify) Web Site

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) Report lost.

5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. Placed on calendar with follow-up required.

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Signature on original mailed  Title: Superintendent  Date: 6/8/11

---

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print): Staff Signature: Date:

Unit Manager (type or print): Unit Manager Signature: Date:

Deputy (type or print): Deputy Signature: Date:
This report was compiled from Standardized Testing and Reporting (STAR) Program multiple-choice answer documents submitted for scoring for the California Standards Tests (CSTs), California Modified Assessment (CMA), California Alternate Performance Assessment (CAPA), and Standards-based Test in Spanish (STS). Sign, date, and return this report to the CDE by December 31, 2010. Certified reports postmarked after December 31, 2010, cannot be paid without a waiver request approved by the State Board of Education. Payment of late apportionment reports is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.

**DUNSMUIR JOINT UNION HIGH**

<table>
<thead>
<tr>
<th>CDS Code: 47-70250</th>
<th>Charter #: 0000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td>Number of students enrolled on the first day of multiple-choice CST, CMA, or CAPA testing</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B</strong></td>
<td>Number of students enrolled after the first day of CST, CMA, or CAPA testing who were tested at the school's option</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C</strong></td>
<td>Total Number Enrolled</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>D</strong></td>
<td>Number of students administered any portion of the CST or the CMA*</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>E</strong></td>
<td>Number of students with significant cognitive disabilities assessed with the CAPA</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>F</strong></td>
<td>Number of students exempted from testing by written parent or guardian request**</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>G</strong></td>
<td>Number of students with demographic information only who were not tested for any reason other than parent/guardian exemption**</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Total Number of Students</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Designated Primary Language Test**

| | STS : Grades 2-11 |
| | Tested | Not tested (demographic information only) |
| **I** | Number of Spanish-speaking EL students receiving instruction in Spanish or who have been enrolled in a U.S. school for less than 12 months (mandated) | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Total |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **J** | Number of Spanish-speaking EL students tested with the STS at the option of the district or charter school (optional) | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Total |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**K** | Total Number of Students | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Total |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**L** | Number of demographic alerts (withheld for each student that the test contractor had to request missing data during the scoring process)*** | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Total |
| | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

* Students taking a combination of the CST and the CMA are only counted once.
** CST, CMA, or CAPA answer document.
*** CST, CMA, or CAPA, or STS answer document.

Total STAR 2010 Apportionment (Row H + Row K + (-Row L)) = $194.04

Certification: I certify the accuracy of the apportionment information required per California Code of Regulations, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 862 as reflected on this report (Rows A, D, E, F, G, I, and J).

District Superintendent, County Superintendent, or Charter School Administrator Name: Len Foreman

Superintendent or Charter School Administrator Signature: [Signature]

Date: 5/5/11

District STAR Coordinator Name: Pat Devereaux

Phone: 530-235-0635

TOTAL STAR 2010 APPORTIONMENT [Row H + Row K + (-Row L)]: $194.04
CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

AIRW (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, Suite 5602
Sacramento, CA 95814

Send electronic copy in Word and back-up material to: waiver@cde.ca.gov

Local educational agency: Ballico-Cressey School District
Contact name and recipient of approval/denial notice: Karen Naldi
Contact person’s e-mail address: knaldi@ballico.k12.ca.us

Address: 11818 W. Gregg St. Ballico, CA 95303
Phone (and extension, if necessary): 209-632-5371
Fax number:

Period of request: From 12/31/11 to 3/30/11
Local board approval date: 3/10/11
Date of public hearing: 3/10/11

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):
   - X_ 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…
   - 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 ___ 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): 3/30/11  Ballico-Cressey
   Name of bargaining unit and representative(s) consulted: District Teacher’s Association: Patricia Magneson, President
   The position(s) of the bargaining unit(s): __X_ Neutral ___ Support ___ Oppose (Please specify why) per B. Ballenger

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?
   - Notice in a newspaper
   - X_ Notice posted at each school
   - X_ Other: (Please specify) Ballico post office, Cressey post office, BCSD website

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future.

   Because of a change in administration that occurred during the month of December 2010, the deadline was missed. This will not be a problem in the future as no future changes in administration are anticipated.

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: Bryan Ballenger
Title: Superintendent
Date: 3-30-2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):
Staff Signature:
Date:

Unit Manager (type or print):
Unit Manager Signature:
Date:

Deputy (type or print):
Deputy Signature:
Date:
This report was compiled from Standardized Testing and Reporting (STAR) Program multiple-choice answer documents submitted for scoring for the California Standards Tests (CSTs), California Modified Assessment (CMA), California Alternate Performance Assessment (CAPA), and Standards-based Test in Spanish (STSB). Sign date, and return the report to the CDE by December 31, 2010. Certified reports postmarked after December 31, 2010, cannot be paid without a waiver request approved by the State Board of Education. Payment of late-apportionment reports is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.

**BALLICO-CRESSEY ELEMENTARY**

| ODS Code: 24-65840 | Chapter #: 0000 | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Total | Total Rate | Funding |
|--------------------|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|---------|
| A                  | Number of students enrolled on the first day of multiple-choice CST, CMA, or CAPA testing | 34 | 28 | 40 | 27 | 44 | 26 | 34 | 0 | 0 | 0 | 233 | $2.52 | $587.16 |
| B                  | Number of students enrolled after the first day of CST, CMA, or CAPA testing who were tested at the school's option | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | $0.00 | $0.00 |
| C                  | Number of students administered any portion of the CST or the CMA | 34 | 28 | 40 | 27 | 44 | 26 | 34 | 0 | 0 | 0 | 233 | $2.52 | $587.16 |
| D                  | Number of students with significant cognitive disabilities assessed with the CAPA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | $0.00 | $0.00 |
| E                  | Number of students exempted from testing by written parent or guardian request | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | $0.38 | $0.00 |
| F                  | Number of students with demographic information only who were not tested for any reason other than parent/guardian exemption | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | $0.38 | $0.00 |
| G                  | Number of students with demographic information only who were not tested for any reason other than parent/guardian exemption | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | $0.38 | $0.00 |
| H                  | Total STAR 2010 apportionment | 34 | 28 | 40 | 27 | 44 | 26 | 34 | 0 | 0 | 0 | 233 | $2.52 | $587.16 |

**TOTAL STAR 2010 APPORTIONMENT** [Row H + Row K + (Row L)]:

$587.16

**Certification:** I certify the accuracy of the apportionment information required per California Code of Regulations, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 882 as reflected on this report (Rows A, D, E, F, G, I, J).

**District Superintendent, County Superintendent, or Charter School Administrator Name:**

Bryan Ballenger

**Superintendent or Charter School Administrator Signature:**

Bryan Ballenger

**Date:** 7/15/11

**District STAR Coordinator Name:**

Karen Naldi

**Phone:** (209) 632-5371
CALIFORNIA DEPARTMENT OF EDUCATION  
GENERAL WAIVER REQUEST  
AIRW (10-2-2009) http://www.cde.ca.gov/re/lr/wr/  

STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT 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>
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<th>CD CODE</th>
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Local educational agency: Marin County Office of Education  
Address: 1111 Las Gallinas Avenue, San Rafael, CA 94913  
Period of request: September 8, 2011 From Dec 31, 2010 To Dec. 31, 2011  
Local board approval date: May 10, 2011  
Date of public hearing: May 10, 2011  

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…  
   - 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  
   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): April 18, 2011  
   Name of bargaining unit and representative(s) consulted: Marin County Educators Association  
   Tom Laughlin, Lead Negotiator  
   The position(s) of the bargaining unit(s): Neutral  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?  
   Notice in a newspaper  Notice posted at each school  Other: Board Agenda, online  

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) No record of receiving the CDE report. (see attached) Will send certified mail.  

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:  

jb 6/13/11
California English Language Development Test (CELDT)
Apportionment Information Report
2009-10 Report

County Name: MARIN
County Code: 21
Charter Number: 0000

District Name: Marin County Office of Education
District Code: 10215

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>
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<th>Initial Assessment Within 30 Days of Enrollment</th>
<th>Total Tested</th>
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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.

Mary Jane Burke
Superintendent

Mary Jane Burke
Superintendent’s (or Charter School Director’s) Signature: Date

Mary Jane Burke
Superintendent’s (or Charter School Director’s) E-mail

mjburke@marin.k12.ca.us

Judith Arrow
District CELDT Coordinator

District CELDT Coordinator’s Signature: Date

District CELDT Coordinator’s E-mail

jarrow@marin.k12.ca.us

District CELDT Coordinator’s Phone

415-499-5815
ITEM 17
CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

SUBJECT
Charter Renewal: Adopt Proposed California Code of Regulations, Title 5, sections 11966.4, 11966.5, 11966.6, 11966.7, 11967, and 11967.5.1.

RECOMMENDATION

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

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its December 2001 meeting, the SBE approved regulations for the Criteria for the Review and Approval of Charter School Petitions by the SBE.

At its January 2010 meeting, the SBE engaged in a discussion to address its desire to have regulatory language that addressed both the renewal of charter schools and charter school appeals.

At its November 2010 meeting, the SBE approved the commencement of the rulemaking process for this regulations package. The 45-day public comment period began on November 27, 2010, and closed on January 11, 2011.
SUMMARY OF PREVIOUS (Cont.)

comment period began on March 12, 2011 and ended on March 28, 2011. The second 15-day comment period began on May 12, 2011 and ended on May 31, 2011. The third 15-day comment period began July 22, 2011 and ended on August 2, 2011. This agenda item responds to the public comments received and does not make additional changes.

SUMMARY OF KEY ISSUES

California Education Code (EC) sections 47607(a) and 47607(b) provide the process and criteria for renewal of a school’s charter by its chartering authority.

EC Section 47605(k)(3) provides the process for renewal of a school’s charter when the SBE had originally authorized the charter on appeal.

EC Section 47607.5 permits a charter school to appeal a non-renewal decision by the school district governing board or the county board of education as the chartering authority.

Through this rulemaking process, the SBE proposes to amend Division 1 Chapter 11 Subchapter 19, Article 2 of the California Code of Regulations, Title 5, by adding sections 11966.4, 11966.5, 11966.6, and 11966.7 and amending Section 11967 and 11967.5.1. The proposed regulations clarify and make specific the provisions of EC sections 47605, 47607, and 47607.5 regarding the criteria, process, and timelines for renewing a school’s charter, and the appeal process up to and including an appeal to the SBE.

Proposed Section 11966.4 includes three new provisions that are intended to:

- Detail the information that a petition for renewal must include to be considered complete.
- Set forth the criteria the governing board of a school district must use in evaluating a charter school’s petition for renewal.
- Identify the time period in which the governing board of a school district, as the chartering authority, must act on a petition for renewal before the petition is considered approved.

Proposed Section 11966.5 includes four provisions that are intended to:

- Specify the time period a charter school has to submit a petition for renewal to the county board of education after the petition is denied by the governing board of the school district.
• Detail the information that a petition for renewal to the county board of education, as either the charting authority or the appellate body, must include to be considered complete.

• Specify the grounds on which the county board of education may deny a petition for renewal.

• Identify the time period in which the county board of education has to act on an appeal before the charter school can submit a petition for renewal to the SBE due to inaction by the county board of education.

Proposed Section 11966.6 includes four provisions that are intended to:

• Specify the time period a charter school has to submit a petition for renewal to the SBE after it is denied by the county board of education.

• Detail the information that a petition for renewal must include to be considered complete.

• Specify the time period by which the SBE shall consider an action item to grant or deny the petition for renewal.

• Identify the grounds on which the SBE may deny a petition for renewal.

Proposed Section 11966.7 includes a provision that is intended to:

• Detail a charter school's eligibility to receive class size reduction funds when a school is not renewed by its charting authority but is renewed on appeal by the county office of education or the SBE and when a charter school initially approved by the SBE on appeal is subsequently renewed by the district that previously had denied the charter.

Changes to Section 11967 are proposed to ensure consistency with current statute and with the reasoning used throughout the other sections, which specify that an LEA is required to act on a petition, whether for renewal or establishment, while this obligation to act is not similarly imposed on the County Board or the SBE.

Changes to Section 11967.5.1 are proposed to ensure grammatical consistency. In addition, Section 11967.5.1(b)(3) is added to identify “an unsound educational program” as not meeting the standards for renewal pursuant to EC Section 47607(b) or not meeting the measurable pupil outcomes described in its charter.
SUMMARY OF KEY ISSUES (Cont.)

During the 45-day public comment period, the CDE received three written comments addressing the proposed regulatory package. The comments addressed a number of concerns and suggestions, including the following:

- The proposed timelines for completing the charter renewal process.
- The scope of review for a petition for charter renewal.
- Continuation of funding for charter schools that are renewed on appeal by a different authorizer.
- Application of current SBE regulations governing the criteria for the review and approval of charter school petitions and charter school renewal petitions to district governing boards and county boards of education.
- The automatic renewal provision in proposed Section 11966.4 may exceed SBE authority.
- Other minor, clarifying amendments.

The CDE recommended accepting a majority of the comments and revised the regulations.

During the 15-day public comment period, the CDE received five written comments addressing the proposed regulatory package. The comments addressed a number of concerns and suggestions, including the following:

- Clarification regarding submission and receipt of a charter petition for renewal by a county board.
- Renewal criteria to be used by a county board of education.
- Application of current SBE regulations governing the criteria for the review and approval of charter school petitions and charter school renewal petition to district and county boards of education.
- The proposed timelines for completing the charter renewal process.
- The automatic renewal provision in proposed Section 11966.4 may exceed SBE authority.
- Other minor, clarifying amendments.
The CDE recommended accepting a majority of the comments and revised the regulations.

During the second 15-day public comment period, the CDE received two written comments addressing the proposed regulations. The comments addressed a number of concerns and suggestions, including the following:

- The automatic renewal provision in proposed Section 11966.4
- Removal of current SBE regulations governing the criteria for the review and approval of charter school petitions and charter school renewal petition from being applicable to district and county boards of education.
- The removal of the signature requirement for renewal petitions.

While the CDE did not make changes to these proposed regulations in the response to these comments, the CDE amended sections 11966.5 and 11967 to ensure consistency with current statute, as reflected in Attachment 2.

During the third 15-day comment period, the CDE received three written comments. The comments included a number of concerns and suggestions, including the following:

- The automatic renewal provision in proposed Section 11966.4
- The removal of proposed changes to Section 11967

The CDE did not make changes to the proposed regulations in response to these comments.

**FISCAL ANALYSIS (AS APPROPRIATE)**

The Fiscal Impact Statement is attached which states that continuing eligibility to Class Size Reduction (CSR) funding would restore unknown and potentially significant state costs, depending on the number of schools that had previously participated in the CSR program and had lost funding due to being renewed by a different authorizer.

**ATTACHMENT(S)**

Attachment 1: Final Statement of Reasons (15 Pages)

Attachment 2: Proposed Regulations (18 Pages)

Attachment 3: Relevant Education Code and Regulations (14 Pages)

Attachment 4: Fiscal Impact Statement (4 Pages)
FINAL STATEMENT OF REASONS
CHARTER RENEWAL AND APPEAL

UPDATE OF INITIAL STATEMENT OF REASONS

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF NOVEMBER 27, 2010, THROUGH JANUARY 11, 2011, INCLUSIVE.

The originally proposed text was made available for public comment for at least 45 days from November 27, 2010, through January 11, 2011. Three written comment letters were received during that period. A public hearing was held at 9:00 a.m. on January 11, 2011, at the California Department of Education (CDE). There were no comments made at the public hearing. Pursuant to California Government Code sections 11346.9(a)(3) and (a)(5), the CDE, on behalf of the State Board of Education (SBE), has summarized and responded to the written comments as follows:

COLIN MILLER, CALIFORNIA CHARTER SCHOOLS ASSOCIATION (CCSA)
Comment A1: Section 11966.5(d). Mr. Miller states that there is a significant concern over the timelines established in the regulations for renewal appeals and the regulations must be amended to provide an opportunity for a school to reach the SBE prior to the end of the fiscal year. He proposes that the timeline for a county board of education to act be shortened from 90 to 60 days.
Accept: The CDE accepts the comment and amended the timeline for a county board to act on a petition for renewal to 60 days, with a provision that the timeline may be extended by an additional 30 days only by written mutual agreement.

Comment A2: Section 11966(a). Mr. Miller proposes the timeline for a charter school to submit a petition for renewal to the SBE be shortened from 60 to 30 days and 150 to 120 days and retaining the SBE’s discretion to act on a petition for charter renewal that is submitted past the required deadline in the proposed regulations.
Accept: The timelines are deleted because they are redundant of Education Code section 47605(j)(4).

Comment A3: Section 11966.6(d). Mr. Miller proposes the timeline for the SBE to act be shortened from 120 to 90 days.
Accept: The timelines are deleted because they are redundant of Education Code section 47605(j)(4).

Comment A4: Sections 11966.4(a) and (a)(2), 11966.5(b) and 11966.6(b): Mr. Miller requests that references to the “completeness” of a request for charter renewal be removed from the proposed regulations and be replaced with language regarding the “receipt” of materials by a governing board. He notes that this change will prevent unnecessary delays by a governing board that could repeatedly request more information from a charter school by deeming a petition “incomplete” and preventing the timeline “clock” from starting.
Accept: The CDE accepts the comment and revised the sections.
Comment A5: Section 11966.4(a)(2): Mr. Miller suggests that the review of a charter renewal petition be limited only to elements of the petition that must be revised due to changes in the law, or sections the petitioner has chosen to revise due to programmatic or operation changes. He states that this change will streamline the review process, assist the governing board in focusing on the school’s performance rather than the content of the written charter, and notes that because the governing board has already previously approved the charter elements of the charter petition that are not changing need not be reviewed.

Reject: Education Code section 47607(a)(2) states, “Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.” Education Code section 47605 sets out the criteria for review of a charter petition, including the 16 required elements of a charter petition. It is the CDE’s opinion that Education Code section 47607 does not allow a limited review of a charter petition as suggested by Mr. Miller, but requires a governing board to evaluate charter renewal petitions under a two-prong analysis: (1) whether the charter school meets at least one of the charter renewal criteria under Education Code section 47607(b), and (2) whether the charter petition meets the standards as required by Education Code section 47605.

Comment A6: Sections 11966.4(b)(1), 11966.5(c)(1), and 11966.6(c)(1): Mr. Miller suggests an amendment to add “along with future plans for improvement, if any,” to the end of these proposed sections. He states that this language will clarify that although a school may have had problems in the past, the authorizer should evaluate a school’s plans for improvement in the future when reviewing a charter renewal petition.
Accept: The CDE accepts the comment and revised the sections.

Comment A7: Section 11966.7: Mr. Miller suggests broadening the language in this proposed section to address all funding and accountability issues for “continuing” charter schools beyond just class size reduction funding.
Reject: Mr. Miller’s suggestion to address all issues that impact charter schools that are deemed “new” or “continuing” by the CDE is an extremely complex matter that goes beyond the singular intent of proposed section 11966.7, which is to ensure class size reduction funding for charter schools that are deemed eligible under the proposed regulations.

SHERRY SKELLY GRIFFITH, ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS (ACSA)
Comment B1: Section 11967.5.1: Ms. Griffith states the language in this section should be applied at the county and district board level as well as the SBE level, and requests that the same language be repeated under proposed sections 11966.4 and 11966.5.
Accept: The CDE accepts the comment and revised section 11967.5.1.
Comment B2: Section 11966.4(c): Ms. Griffith states the proposed section exceeds the authority of the SBE in requiring for automatic renewal if a local governing board fails to act within 60 days, and cites case law that reinforces that the statute is directory and not mandatory (e.g., Shapiro et al v. Los Angeles Unified School District, Case No. BS 121469 citing Board of Education Sacramento City Unified School District v. Sacramento County Board of Education (2001) 85 Cal.App.4th 1321, 1329). Ms. Griffith requests the automatic renewal language be removed from the proposed regulations.  
Reject: Education Code section section 47605(b) expressly requires the governing board of the school district to “either grant or deny the charter.” Education Code section 47605(b) further requires local district governing boards to make written factual findings as a condition of denying a petition for the establishment and/or renewal of a charter school. In the absence of such written factual findings, the governing board is prohibited from denying the charter. Because the governing board must either grant or deny the charter, the absence of a decision to deny is thus interpreted as the only remaining option available to the governing board granting the charter. This is in stark contrast to the permissive language governing the actions of county boards of education and the SBE. In these instances the county boards of education and the SBE are not directed to act, and in fact, inactions by county boards of education and the SBE are specifically contemplated by Education Code section 47605(j)(4). The difference in these statutory requirements are consistent with intent of the charter schools Act which seeks to make charter schools an integral part of California’s educational system, and the emphasis on local authorization (see for example Education Code sections 47605.8(b) and 47605(k)(3)).

The intent of the Legislature in requiring the local governing board to make a written factual finding in order to deny a petition is also evidenced by looking at revisions to Education Code section 47605(b) since its original adoption in 1992. Originally the language was permissive, allowing a district to grant a petition if it met the stated criteria. In 1993 (AB 544), the Legislature emphasized the intent to encourage the establishment of charter schools by local entities including parents, teachers, and community members. By including this intent in the language of Education Code section 47605(b) the amendment establishing a presumption of approval by the governing board is well grounded.

In no way do these regulations limit a local governing board’s capacity or authority ot make a determination based on their evaluation of a petition. These regulations make clear the legislature’s intent to presume approval of charter schools unless the local governing board makes a written factual finding to the contrary.

STEPHANIE MEDRANO FARLAND, CALIFORNIA SCHOOL BOARDS ASSOCIATION (CSBA)

Comment C1: Section 11967.5.1: Ms. Farland states the “criteria for renewal should be consistent at every level of the renewal process.” She requests that the same language in section 11967.5.1 regarding the criteria used by the State Board in determining whether a charter school meets the requirements for renewal be repeated in proposed sections 11966.4 and 11966.5 to apply to district and county boards.
Accept: The CDE accepts the comment and amended section 11967.5.1.

Comment C2: Section 11966.4(c): Ms. Farland also requests the automatic renewal language be removed from the proposed regulations. She states that the governing statute does not call for automatic renewal if the governing board fails to act within a certain time and the proposed language goes beyond the scope of the State Board. Ms. Farland cites case law to support this claim (Shapiro et al v. Los Angeles Unified School District, Case No. BS 121469 citing Board of Education Sacramento City Unified School District v. Sacramento County Board of Education (2001) 85 Cal.App.4th 1321, 1329).

Reject: See response to Comment B2.

AFTER THE 45-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A 15-DAY COMMENT PERIOD.

SECTION 11966.4:

Subdivision (a) is amended to provide greater clarity regarding the timeline for review of a charter renewal petition. The revised language makes clear that the timeline is initiated upon receipt of the renewal petition, and removes reference to the “completeness” of a renewal petition here and throughout the revised regulations. This is necessary to avoid disagreement between a charter school and district governing board about a renewal petition’s “completeness.”

Subdivision (b)(1) is amended to require district governing boards to also consider a charter school’s future plans for improvement if the charter school has presented such plans to the district governing board. This is necessary to clarify that although a charter school may have had a negative finding or occurrence in its past charter term, a charter school may have a corrective action plan for improvement in the future, which the district governing board shall review when completing its comprehensive review of the school’s petition for renewal.

Subdivision (c) is amended to clarify that the 60-day timeline is initiated upon the district governing board’s receipt of the petition for renewal. This is necessary to provide greater clarity and certainty for charter schools and governing boards about the timeline because it is easier to determine the date of the governing board’s receipt of a petition for renewal (i.e., date stamp, etc.) than to determine the submission date by the charter school.

Subdivision (c)(1) is amended to clarify that the governing board is the “district governing board.” This amendment also clarifies that the 30-day extension may only be granted by written mutual agreement and no other method of agreement.

SECTION 11966.5:

Subdivision (a) is amended to provide clarity about the action taken by the governing
board, which is to adopt written factual findings and take action to deny the renewal. The revised language more closely aligns with board action. The subdivision is also amended to clarify that the 30-day extension may only be granted by written mutual agreement and no other method of agreement.

Subdivision (b) is amended to provide greater clarity regarding the timeline for review of a charter renewal petition. The revised language makes clear that the timeline is initiated upon receipt of the renewal petition, and removes reference to the “completeness” of a renewal petition. This is necessary to avoid disagreement between a charter school and county board of education about a renewal petition’s “completeness.”

Subdivision (b)(2) is amended to remove reference to the “completeness” of a renewal petition to avoid disagreement between a charter school and a county board of education about a renewal petition’s “completeness.” The subdivision also adds makes clear that the copy of charter petition that shall be submitted by the charter school is its renewal charter petition.

Subdivision (c)(1) is amended to require county boards of education to also consider a charter school’s future plans for improvement if the charter school has presented such plans to the board. This is necessary to clarify that although a charter school may have had a negative finding or occurrence in its past charter term, a charter school may have a corrective action plan for improvement in the future, which the county board of education shall review when completing its comprehensive review of the school’s petition for renewal.

Subdivision (d) is amended to clarify that the timeline is initiated upon the county board of education’s receipt of the petition for renewal. This is necessary to provide greater clarity and certainty for charter schools and governing boards about the timeline because it is easier to determine the date of the governing board’s receipt of a petition for renewal (i.e., date stamp, etc.) than to determine the submission date by the charter school. The subdivision is also amended to shorten the timeline from 90 to 60 days for the county board of education’s review, with the option to extend this date by an additional 30 days. This timeline and option for extension aligns with existing regulations in the California Code of Regulations, Title 5, section 11967(d), which give the county board of education 60 days to review an initial petition for the establishment of a charter school. This amendment is necessary to ensure an expedient review of a charter renewal petition, provide an improved chance that any renewal petition will be resolved by the end of the school year, allow parents, students, and schools to know the fate of their school before the end of the school year, and to conform with existing regulations.

Subdivision (e) is added to clarify existing statute under Education Code section 47607, which governs the renewal of a charter school, and Education Code section 47605.6, which governs the establishment of a countywide charter school. This subdivision makes clear that if a countywide charter school’s petition for renewal is denied by its authorizer (a county board of education), the school has no right to appeal the denial to
the SBE. This is consistent with Education Code section 47605.6(k), which states, “If a
county board of education denies a petition, the petitioner may not elect to submit the
petition for the establishment of a charter school to the State Board of Education.” The
new subdivision conforms to existing statute by not allowing the SBE to become the
authorizer of a countywide charter school upon establishment, nor upon renewal.

SECTION 11966.6:

The title of section 11966.6 is amended to read: § 11966.6. Charter Petitions That
Have Not Been Renewed Locally – Submission to State Board of Education (SBE).
The word “locally” was added to clarify that charter renewal petitions submitted to the
SBE for consideration are those that were not approved at the local level.

Subdivision (a) is amended to allow the SBE to consider a petition for renewal at any
time. This is necessary to avoid confusing timelines and allowing for the administrative
procedures in having the SBE consider an action item. Additionally, such timelines
would only serve to confuse petitioners, as Education Code section 47605(j)(4) already
allows for an end to the administrative process.

Subdivision (b) is amended to clarify that the timeline is initiated upon the SBE’s receipt
of the petition for renewal. This is necessary to provide greater clarity and certainty for
charter schools and the SBE about the timeline because it is easier to determine the
date of the SBE’s receipt of a petition for renewal (i.e., date stamp, etc.) than to
determine the submission date by the charter school.

Subdivision (b)(2) is amended to remove reference to the “completeness” of a renewal
petition to avoid disagreement between a charter school and the SBE about a renewal
petition’s “completeness.” The subdivision also adds makes clear that the copy of
charter petition that shall be submitted by the charter school is its renewal charter
petition.

Subdivision (b)(3) is amended to remove reference to the 120-day timeline because the
reference is unnecessary and the amendment conforms with the revised timelines in
proposed section 11966.6(a).

Subdivision (c)(1) is amended to require the SBE to also consider a charter school’s
future plans for improvement if the charter school has presented such plans to the
board. This is necessary to clarify that although a charter school may have had a
negative finding or occurrence in its past charter term, a charter school may have a
corrective action plan for improvement in the future, which the SBE shall review when
completing its comprehensive review of the school’s petition for renewal.

Subdivision (d) is deleted to provide the SBE with maximum flexibility in scheduling and
hearing charter renewal petitions. Additionally, such timelines would only serve to
confuse petitioners, as Education Code section 47605(j)(4) already allows for an end to
the administrative process.
SECTION 11967.5.1 is amended to read:

The title of this section is amended to clarify that the regulations apply to the review of charter renewal petitions as well as initial charter petitions, and the section applies to the review of charter petitions and renewal petitions by district governing boards and county boards of education as well as the SBE. This is necessary to clarify that the existing regulations, which govern the review of a charter petition as required by Education Code section 47605, also extend to the review of charter renewal petitions as required by Education Code section 47607. Further, the amendment applies the criteria specified in the existing regulations to the review of charter petitions by district governing boards and county boards of education to ensure the criteria for approval of a charter petition (initial and renewal) are the same at every level of review, from the local level up to and including the SBE. This is necessary to ensure the consistency of the review process and provide greater clarity and guidance for district governing boards and county boards of education.

SECTIONS 11967.5.1(a), (b)(1), (b)(2), (c)(1), (c)(2), (d), (f), (f)(1)(C), (f)(9)(C), (f)(13)(C), and (f)(14)(C):
These subdivisions include conforming amendments that are necessary to apply section 11967.5.1 to district governing boards and county boards of education by removing reference to the SBE, as applicable, and other minor, technical amendments.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD OF MARCH 12, 2011, THROUGH MARCH 28, 2011, INCLUSIVE.

JAN ISENBERG, LOS ANGELES COUNTY OFFICE OF EDUCATION
Comment A1: Sections 11966.4(a) and 11966.5(b): Ms. Isenberg states that the language “received when submitted” is confusing because the two actions do not necessarily occur at the same time. She states that it is possible for a document submitted by US or electronic mail to never be received and/or received several days subsequent to submission. Ms. Isenberg suggests revisions to this language.
Accept: The CDE revised sections 11966.4(a) and 11966.5(b) to provide the clarity requested.

Comment A2: Section 11966.5(a): Ms. Isenberg states that the phrase “a petition for renewal” does not preclude a charter from submitting to the county board a petition that is different from the one submitted to the school district.
Accept: No response required. This comment does not pertain to the changes proposed during the 15-day comment period.
Comment A3: Section 11966.5(b): Ms. Isenberg suggests minor changes to the language to add clarity.
Response: No response required. This comment does not pertain to the changes proposed during the 15-day comment period.

Comment A4: Section 11966.5(b)(2): Ms. Isenberg indicates that the phrase “how the charter school has met” refers to past practice by the school as an entity and does not comply with the requirement that charter petitions reflect changes to law that have occurred since the school was last authorized.
Response: No response required. This comment does not pertain to the changes proposed during the 15-day comment period.

Comment A5: Section 11966.5(d): Ms. Isenberg states that 60 days is insufficient time to review a petition.
Reject: This timeline and option for extension aligns with existing statute (Education Code section 47605(b)) as well as existing regulations, section 11967(d), which gives the county board of education 60 days to review an initial petition, on appeal from a local board, for the establishment of a charter school. This amendment is necessary to ensure an expedient review of a charter renewal petition, provide an improved chance that any renewal petition will be resolved by the end of the school year, allow parents, students, and schools to know the fate of their school before the end of the school year, and to conform with existing regulations.

Comment A6: Section 11966.5(d): Ms. Isenberg states that there is a need for regulatory and statutory language to clarify that a renewal petition for a countywide charter school is reviewed under the same criteria as it was originally reviewed and authorized.
Accept in part/Reject in part: The CDE revised section 11966.5(c)(2) to incorporate the proposed changes. The CDE cannot make changes to the Education Code.

STEPHANIE MEDRANO FARLAND, CALIFORNIA SCHOOL BOARDS ASSOCIATION (CSBA)
Comment B1: Section 11967.5.1: Ms. Farland states that during the 45-day comment period, she recommended that the language in section 11967.5.1, the criteria for SBE approval of a charter, be repeated in the renewal regulations to ensure that the renewal process is consistent at every level. However, the current proposed language in section 11967.5.1, is not limited to the renewal process, and is instead, also applied to the initial approval of petitions. She requests that the current language proposed in section 11967.5.1 be clarified to limit the application of these criteria to the charter renewal process, only.
Accept: The CDE agrees that the initial charter approval process is not within the scope of these renewal regulations. The CDE will remove language pertaining to initial charter approval from section 11967.5.1.

Comment B2: Section 11966.4(c): Ms. Farland also requests the automatic renewal language be removed from the proposed regulations. She states that the governing
statute does not call for automatic renewal if the governing board fails to act within a certain time and the proposed language goes beyond the scope of the State Board. Ms. Farland cites case law to support this claim (Shapiro et al v. Los Angeles Unified School District, Case No. BS121469 citing Board of Education Sacramento City Unified School District v. Sacramento County Board of Education (2001) 85 Cal.App.4th 1321, 1329).

Response: No response required. This comment does not pertain to the changes proposed during the 15-day comment period.

**COLIN MILLER, CALIFORNIA CHARTER SCHOOLS ASSOCIATION (CCSA)**

Comment C1: Section 11966.6: Mr. Miller states that he continues to be concerned that the timelines established in the regulations for renewal appeals takes too long. He appreciates the prior revisions made to address his concerns with the timelines. However, he states that the complete elimination of any timeline for the CDE or the SBE to consider or act on renewal appeals makes the local timelines less effective. He recommends that the regulations be revised to assure that the SBE consider any renewal appeal no later than 90 days after the request for the appeal has been received.

Reject: Because the SBE does meet as often as local boards meet, the SBE should not be compelled to take action within a given timeline. In addition, the SBE reserves the right to act or not act upon a petition. Further, it is current practice at the CDE that charter petitions received are acted upon immediately. Per a request by SBE Board President Michael Kirst, the CDE will begin to track and report to the SBE, the dates a petition is received and subsequently acted upon by the SBE. Additionally, such timelines would only serve to confuse petitioners, as Education Code section 47605(j)(4) already allows for an end to the administrative process.

Comment C2: Section 11967.5.1: Mr. Miller states that section 11967.5.1, the criteria for SBE approval of charter petitions, was enacted for the explicit purpose of SBE review, and was not initially contemplated to apply to district and county boards. He states that school district and county boards have been authorizing charter schools for years without any state imposed conditions or criteria guiding that process. Mr. Miller states that there is no basis in law or any compelling reason at this time, to undermine local discretion and authority to impose SBE criteria on local authorizers. He states that local board who wish to apply SBE criteria may already do so at their discretion. Mr. Miller recommends deleting any reference to district and county boards in section 11967.5.1.

Accept: The CDE agrees that the initial charter approval process is not within the scope of these renewal regulations. The CDE will remove the SBE’s criteria for the review and approval of charter school petitions from application to district and county boards of education. In addition, in order to preserve consistency in charter petition review, at both initial submission and renewal, the CDE will also remove language proposing SBE criteria for the review and approval of renewal petitions to be applicable to district and county boards of education. The CDE will provide language to ensure section 11967.5.1 pertains only to the SBE.
LAURA PRESTON, ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS  
Comment D1: Section 11967.5.1: Ms. Preston states that some of the language inserted into the renewal process has also been inserted into the criteria to be used for the initial approval of petitions. She believes this is beyond the scope of the regulations, however, ACSA does believe renewal should be consistent at every level.  
Accept: The CDE agrees that the initial charter approval process is not within the scope of these renewal regulations. The CDE will remove language pertaining to initial charter approval from section 11967.5.1.

Comment D2: Section 11966.4(c): Ms. Preston states the proposed language exceeds the authority of the SBE in requiring for automatic renewal if a local governing board fails to act within 60 days. Ms. Preston requests the automatic renewal language be removed from the proposed regulations.  
Response: No response required. This comment does not pertain to the changes proposed during the 15-day comment period.

ERIC PREMACK, CHARTER SCHOOLS DEVELOPMENT CENTER  
Comment E1: Section 11967.5.1. Mr. Premack states that the amendments in the 15-day notice regulations constitute a huge change not just to the immediate topic of charter renewal, but reach far beyond this topic to the original granting and review of charters at the local level by local agencies. Mr. Premack suggests deleting the words “district governing boards, county boards of education, and” of the draft and returning the references to the SBE in the remainder of this section.  
Response: No response required. Comment was received one day past the closing of the comment period.

AFTER THE 15-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A SECOND 15-DAY COMMENT PERIOD.

General changes to regulations include replacing “board” with “SBE” throughout the regulations based on comments received during this 15-day comment period.

SECTION 11966.4

Subdivision (a) is revised to provide the clarity requested by a commenter during the 15-day public comment period.

Subdivision (b)(2) is revised to provide clarity by more closely aligning with the language of Education Code section 47605.

Subdivision (c) is revised to provide clarity about when a petition is received pursuant to Education Code section 47605.
SECTION 11966.5

Subdivision (a) is revised to provide clarity by more closely aligning with the language of Education Code section 47605.

Subdivisions (b), (b)(2) and (c)(2) are revised to provide the clarity requested by a commenter during the 15-day public comment period.

SECTION 11966.6

Subdivision (b)(3) is revised to provide clarity by more closely aligning with the language of Education Code section 47605.

SECTION 11967.5.1 is amended to remove language pertaining to initial charter approval based on comments received.

Subdivision (b)(3) is amended for clarity.

Subdivision (f)(15) is amended for clarity.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE SECOND 15-DAY COMMENT PERIOD OF MAY 12, 2011, THROUGH MAY 31, 2011, INCLUSIVE.

STEPHANIE FARLAND, CALIFORNIA SCHOOL BOARDS ASSOCIATION

Comment A1: Section 11967.5.1: Ms. Farland states that, in a previous letter, she asked that the criteria for renewal be consistent at every level of the renewal process. She requested that the same language, as that found in 11967.5.1, be applied to district and county boards. She notes that this request was initially taken and implemented but was subsequently removed during the 15-day comment period. She requests that this language be re-inserted.

Reject: The CDE initially agreed to apply the SBE’s criteria for the review and renewal of a charter petition to district and county boards with the understanding that the criteria would be applied at both initial approval and renewal, to preserve consistency in the charter petition review process. However, the during the 15-day comment period, the CDE received several statements, including one from CSBA, stating that the SBE should not regulate the initial approval process of local education boards since those criteria are outlined in statute. Consequently, to preserve consistency in the charter petition review process, the CDE removed application of section 11967.5.1 from being applicable to local boards at both initial approval and renewal. If section 11967.5.1 is to be applicable to local boards, it must be applied to both the initial approval process and the renewal process.

Comment A2: Section 11966.4(c): Ms. Farland also requests the automatic renewal language be removed from the proposed regulations. She states that the governing statute does not call for automatic renewal if the governing board fails to act within a
certain time and the proposed language goes beyond the scope of the State Board. Ms. Farland cites case law to support this claim (Shapiro et al v. Los Angeles Unified School District, Case No. BS121469 citing Board of Education Sacramento City Unified School District v. Sacramento County Board of Education (2001) 85 Cal.App.4th 1321, 1329).

Response: No response required. This comment does not pertain to the changes proposed during the second 15-day comment period.

DEVON B. LINCOLN, LOZANO SMITH ATTORNEYS AT LAW

Comment 1B: Section 11966.4(c): Mr. Lincoln states that the automatic renewal procedure exceeds the limits of current law governing charter schools by diminishing districts’ discretion and control over charter schools. Mr. Lincoln sites case law to support his claim (Wilson v. State Bd of Education (1999) 75 Cal. App.4th 1125). Mr. Lozano indicates that the Wilson court highlighted a district’s ongoing control over its charter schools and underscored the district’s ability to revoke a charter. He states that a district’s power to decide not to renew the charter is analogous to the district’s power to revoke the charter.

Response: No response required. This comment does not pertain to the changes proposed during the second 15-day comment period.

Comment 2B: Section 11967.5.1(d): Mr. Lincoln states that the proposed regulation making the signature requirement of Education Code section 47605(a) inapplicable to a petition for renewal is contrary to the governing statute.

Response: No response required. This comment does not pertain to the changes proposed during the second 15-day comment period.

AFTER THE SECOND 15-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A THIRD 15-DAY COMMENT PERIOD.

SECTION 11966.5

Subdivision (a) is amended to remove the language “and takes action to deny the renewal” because this language confused this issue of whether the county board had to take action on the petition. The deletion clarifies that the county board is not required to act, but if it does act to deny a renewal petition it must issue written factual findings.

SECTION 11967

General changes were made throughout section 11967 to replace “State Board of Education” with “SBE” for consistency.

The title was changed to “Appeals on Petitions For The Establishment of a Charter School That Have Been Denied” to clarify that this section applies to petitions for the establishment of a charter school as opposed to petitions for renewal which are governed by sections 11966.5 and 11966.6.
Subdivision (b)(2): The intent of this section is to allow for the submission of an appeal even if the written factual findings are not available to the petitioner. This is necessary to allow the petitioner to timely meet the deadlines for submission of an appeal in accordance with (a).

Subdivision (d) was re-written to clarify that a county board of education, upon receipt of an appeal for the establishment of a charter school, need not act on the petition. However, while Education Code section 47605 specifically permits inaction by a county board of education, this language preserves a timely resolution of the petitioner’s administrative remedies in the interest of timely notifying interested parents and students of the charter school’s establishment.

Subdivision (e) is amended to clarify that the SBE has 120 days to act on a petition pursuant to Education Code section 47605(j)(4): Upon the expiration of this 120 days the denial by the local governing board is subject to judicial review. This language is necessary to ensure petitioners are aware of their ability to seek judicial review and the timeline in which the SBE must act. These amendments further clarify that the 120 day timelines begin upon the SBE’s receipt of a petition appealing the denial of the charter school. Finally, these amendments clarify that to extend the 120 day time limit, there must be written mutual agreement. This is necessary to allow the SBE the flexibility to consider petitions while preserving the interests of petitioners.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD OF JULY 22, 2011, THROUGH AUGUST 2, 2011, INCLUSIVE.

Tamara Logan, Trustee, Los Altos Elementary School District
Comment A1: Section 11966.4(c): Ms. Logan recommends this section be rewritten to allow sufficient time for a school board to negotiate the terms of a charter renewal without forcing an automatic renewal if negotiation is not complete within 60 days. She states that 60 days is not sufficient time for staff review of charter performance, resolution of missing information, and revision of a charter if needed. She recommends that the 60 day timeline be extended to 90 days. In addition, should the district not act within 90 days, she recommends that approval authority should pass to the County Office of Education instead of the district.
Response: No response required. This comment does not pertain to the changes proposed during the third 15-day comment period.

SHERRY SKELLY GRIFFITH, ACSA
Comment B1: Section 11966.4(c): Ms. Griffith states the proposed section exceeds the authority of the SBE in requiring for automatic renewal if a local governing board fails to act within 60 days. Ms. Griffith states that absence of written factual findings could be the result of delays on the part of the petitioner or lack of capacity of the LEA. The recommends that this section instead focus upon what other written findings could be provided stopping short of denial.
Response: No response required. This comment does not pertain to the changes proposed during the third 15-day comment period.
COLIN MILLER, CALIFORNIA CHARTER SCHOOLS ASSOCIATION

Comment C1: Sections 11967(d): Mr. Miller recommends rejecting the addition of edits to this section. He states that this section is not related to charter school renewals and believes that any amendment to this section is not proper in this regulation packet and at this point in the process. Mr. Miller indicates that the Administrative Procedures Act (APA) only allows adoption or amendments in regulations from that which was originally made available to the public if the change is not substantial or solely grammatical, or if the changes are sufficiently related to the original text of the proposed regulatory action. He states that some of the changes proposed do not meet this criterion. Specifically, he recommends rejecting changes to subdivision (d). He states that current regulations provide that a county board of education “shall grant or deny the charter petition.” However, the proposed changes amend current regulations to allow inaction on the part of the county board of education. Although inaction is permitted by Education Code section 47605, Mr. Miller believes this is a substantial change that should not be permitted. Mr. Miller also recommends rejecting changes to subdivision (e). He states that current regulations provide the SBE 90 days to schedule an action item to grant or deny a charter petition, and allows for an additional 30 days by agreement of the SBE and the petitioners. The proposed changes provide a 120-day timeline, with a possible 30-day extension, and also subject the decision of the governing board to judicial review. He states that although the proposed changes are permissible under the Education Code, they are substantial changes and are not related to the subject of the proposed regulations which is renewal of a charter petition.

Reject: The proposed regulations package addresses a variety of sections that deal directly and indirectly with the renewal or nonrenewal of a charter school. Section 11967, while setting forth the procedures for appealing a decision to not grant a charter, mirrors the procedures set forth for a nonrenewal. The underlying statute governing renewals and non-renewals, Education Code section 47607, references the procedures set forth in the statute governing the denial of a petition, Education Code section 47605. The Notice provided to the public on November 27, 2010, noticed a range of changes all relating to Education Code sections 47605 and 47607. All members of the public with interest in these sections, in addition to the issues surrounding charter school approval, renewal, revocation, and appeal were provided notice. The statute does not differentiate an appeals process based on one or the other. Thus, when the CDE revised the language about the appeal to a County Board or the SBE from a district non-renewal, the CDE was also left to amend the language governing the timelines of a decision to not approve an initial petition. Further, the proposed changes do not propose radical changes, only edits that bring the language in line with the appeals process set forth in sections 11966.4(c), 11966.5(d), and the proposed deletions to sections 11966.6(a) and (d). Further these edits bring the language of section 11967 in line with the reasoning used throughout the other sections, which specify that an LEA is required to act on a petition, whether for renewal or establishment, while this obligation to act is not similarly imposed on the County Board or the SBE (see Final Statement of Reasons, Page 3 of 15, Comment B2).
ALTERNATIVES DETERMINATION

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons that the proposed regulation.

LOCAL MANDATE DETERMINATION

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

8-5-11 [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. The 15-day text proposed to be added is in "bold underline", deleted text is displayed in "bold strikeout". The 2nd 15-day text proposed to be added is in "bold double underline"; deleted text is displayed in "bold double strikethrough". The 3rd 15-day text proposed to be added is in "underlined and shaded", deleted text is “strikeout and shaded.”

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 2. General Provisions


(a) A petition for renewal submitted pursuant to Education Code section 47607 shall be considered received when submitted to by the district governing board upon receipt of the petition with include both of the following and shall be considered complete for action by the governing board of the school district upon receipt by the district of all of the requirements set forth in this subdivision:

(1) Documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).

(2) A complete copy of the renewal charter 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.

(A) The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.

(b)(1) When considering a petition for renewal, the district governing board shall consider the past performance of the school's academics, finances, and operation in
evaluating the likelihood of future success, along with future plans for improvement if any.

(2) The district governing board may deny a petition for renewal of a charter school only if the district governing board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) or facts to support a failure to meet one of the criteria set forth in Education Code section 47607(b).

(c) If within 60 days of a district governing board’s receipt of a petition for renewal, the a district a governing board fails to make has not made a written factual findings as mandated by Education Code section 47605(b) to why the charter school is not renewed within 60 days of a charter school’s submission of a complete petition for renewal, the renewal petition absence of written factual findings shall be deemed approved for the purposes of this section an approval of the petition for renewal.

(1) The district governing board and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.


§ 11966.5. Charter Petitions That Have Not Been Renewed – Submission to County Board of Education.

(a) When the governing board of a school district denies a charter school’s petition for renewal, the charter school may submit a petition for renewal to the county board of education not later than 30 calendar days after the district governing board adopt make its written factual findings and takes action to deny the renewal. The county board of education and the charter petitioner may extend this date by an additional 30 days only by written mutual agreement. A petition for renewal not submitted to the county board of education within the 30 days or the alternative written timeline mutually agreed to this time shall be considered denied with no further options for administrative appeal.
(b) A petition for renewal, whether submitted to the county board of education as the chartering authority or on appeal from denial of the renewal petition by the local governing board, shall include all of the following and shall be considered received when submitted to complete for action by the county board of education upon receipt of the petition with upon receipt by the county of all of the requirements set forth in this subdivision.

1. Documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).
2. A complete copy of the renewal charter petition, as denied by the local board, 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.
   - (A) The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.
   - (3) When applicable, a copy of the governing board’s denial and supporting written factual findings, if available.
   - (4) A description of any changes to the renewal petition necessary to reflect the county board of education as the chartering entity.

(c)(1) When considering a petition for renewal, the county board of education shall consider the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any.

2. The county board of education may deny a petition for renewal of a charter school only if the county board of education makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth, as applicable, in Education Code sections 47605(b) and 47605.6(b), or failure to meet one of the criteria set forth in Education Code section 47607(b).

(d) If within 60 days of a county board of education’s receipt of a petition for renewal the county board of education does not grant or deny the petition for the renewal of a charter school within 90 calendar days of the charter school’s
submission of a complete petition pursuant to this section, the charter school may submit a petition for renewal to the State Board of Education (SBE). The county board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

(e) If a county board of education denies a petition for renewal of a countywide charter school established under Education Code section 47605.6, the petitioner may not elect to submit the petition for renewal of the countywide charter school to the SBE.


(a) When the county board of education denies or takes no action on a charter school’s petition for renewal, the charter school may submit a petition for renewal to the SBE not later than 60 calendar days after the county board of education’s denial, or 150 calendar days after the charter school’s submission of a complete petition pursuant to section 11966.5(b). Any petition received by the SBE more than 60 days after the county board of education’s denial, or more than 150 days after the charter schools’ submission of a complete petition pursuant to section 11966.5(b) shall not be acted upon by the SBE.

(b) A petition for renewal shall include all of the following and shall be considered received when submitted to complete for action upon receipt by the SBE with all of the requirements set forth in this subdivision.

(1) Documentation that the charter school met at least one of the criteria specified in Education Code section 47607(b).

(2) A complete copy of the renewal charter petition, as denied, 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.
(A) The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.

(3) A copy of the district governing board’s written factual findings denying the petition for renewal, and evidence of the county governing board’s denial or, if the county board of education failed to act, evidence that the timeline set forth in section 11966.5(d) has expired, expiration of the 120 day timeline in section 11966.5(d) and supporting written factual findings, if available.

(4) A description of any changes to the renewal petition necessary to reflect the SBE as the chartering entity.

(c)(1) When considering a petition for renewal, the SBE shall consider the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any.

(2) The SBE may deny a petition for renewal of a charter school only if the SBE makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) or failure to meet one of the criteria set forth in Education Code section 47607(b).

(d) Within 120 days of receiving a petition for renewal complete petition package, the SBE shall consider an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the SBE and the petitioner(s) agree to the extension.


§ 11966.7. Categorical Funding for Charter Schools Renewed by a Different Authorizer.

(a) A charter school whose charter is not renewed by the chartering authority but is subsequently approved on appeal by the county office of education or the SBE, and a charter school initially approved by the SBE on appeal and subsequently renewed by the district that previously had denied the charter, shall continue to be eligible for class
size reduction funds provided that the charter school had applied for class size
reduction funds in 2008-09 either directly or through its authorizer.

1. A charter school that applied through its authorizer in 2008-09 shall, for
purposes of Education Code section 52124.3, continue to be eligible for funding
through its authorizer for the same number of classes for which its authorizer applied
for funding on its behalf in 2008-09 and all subsequent years during which the school
was operational. In order to receive funding, a charter school must provide timely
reports of actual enrollment in each participating class, pursuant to sections 52124 and
52126, to its 2008-09 authorizer.

2. A charter school that is eligible for funding pursuant to this subdivision shall not
be eligible for class size reduction funding pursuant to section 42606.

3. This subdivision shall be in effect July 1, 2010, through fiscal year 2011-12 or
until such time as section 52124.3 is no longer in effect.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 42605,
42606 and 52124.3, Education Code.

§ 11967. Appeals on Charter Petitions For The Establishment of a Charter School
That Have Been Denied

(a) A charter school petition that has been previously denied by the governing board
of a school district must be received by the county board of education not later than
180 calendar days after the denial. A charter school petition that has been previously
denied by a county board of education must be received by the State Board of
Education (SBE) not later than 180 calendar days after the denial. Any petition received
by the county board of education or the State Board of Education SBE more than 180
days after denial shall not be acted upon by the county board of education or the State
Board of Education SBE.

(b) When filing a petition with the county board of education or the State Board of
Education SBE for the establishment of a charter school, petitioner(s) shall provide the
following:

1. A complete copy of the charter petition as denied, including the signatures
required by Education Code section 47605.
(2) Evidence of the 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).

(3) A signed certification stating that petitioner(s) will comply with all applicable law.

(4) A description of any changes to the petition necessary to reflect the county board of education or the State Board of Education SBE as the chartering entity, as applicable.

(c) The county board of education or State Board of Education SBE shall deny a petition for the establishment of a charter school only if that board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b)(1)-(5).

(d) Not later than 60 days after receiving a complete petition package, and following review of the petition at a duly noticed public meeting, a county board of education shall grant or deny the charter petition. This time period may be extended by an additional 30 days if the county board of education and the petitioner(s) agree to the extension. If within 60 days of a county board of education’s receipt of a petition appealing the denial to establish a charter school, the county board of education does not grant or deny the petition for the establishment of a charter school, the charter school may submit the petition for the establishment of a charter school to the SBE. The county board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

(e) Not later than 90 if, within 120 days after receiving a complete petition package, of the SBE’s receipt of a petition appealing the denial to establish a charter school, the State Board of Education SBE shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition, the decision of the governing board of the school district to deny the petition is subject to judicial review. The SBE and the charter petitioner may extend this date only by written mutual agreement, if the State Board of Education and the petitioner(s) agree to the extension.
(f) In considering charter petitions that have been previously denied, the county board of education or State Board of Education SBE are not limited to a review based solely on the reasons for denial stated by the school district, but must review the charter school petition pursuant to Education Code section 47605(b).


(a) For purposes of Education Code section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the State Board of Education's board's 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 State Board of Education SBE.

(b) For purposes of Education Code section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either any of the following:

(1) A program that involves activities that the board State Board of Education SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.

(2) A program that the board State Board of Education SBE determines not to be likely to be of educational benefit to the pupils who attend.

(3) If the petition is for renewal of a charter school, and either the charter school has not met the standards for renewal pursuant to Education Code section 47607(b), as applicable, or the charter school has not met the measurable pupil outcomes as described in its charter.

(c) For purposes of Education Code section 47605(b)(2), the State Board of Education SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."
(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 board of Education 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.

(2) The petitioners are unfamiliar in the board's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.

(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:

   (A) In the area of administrative services, the charter or supporting documents do not adequately:

      1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting, and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.

      2. For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.

   (B) In the area of financial administration, the charter or supporting documents do not adequately:

      1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.

      2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.
3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.

4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.

(C) In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

(D) In the area of facilities, the charter and supporting documents do not adequately:

1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

2. In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.

3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.

(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 these areas:

(A) Curriculum, instruction, and assessment.

(B) Finance and business management.

(d) For purposes of Education Code section 47605(b)(3), 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 the submission of the original charter to a school district governing board pursuant to Education Code section 47605(a). The board State Board of Education SBE shall not disregard signatures that may be purported to have been withdrawn or to have been determined to be invalid after the petition was denied by the school district. The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.

(e) For purposes of Education Code section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in subdivision (d)" of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. 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 Education Code section 47605(d).

(f) For purposes of Education Code section 47605(b)(5), the board State Board of Education SBE shall take the following factors into consideration in determining whether a charter petition does not contain a "reasonably comprehensive" description of each of the specified elements. In addition to the contents of the charter document for a petition for renewal, the board shall also consider the actual performance of the charter school on each of the elements in this section.

(1) The description of the educational program of the school, as required by Education Code section 47605(b)(5)(A), at a minimum:

(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.

(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 "educated person in the 21st century, belief of how learning best occurs, and a goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.
(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.

(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).

(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 State Board of Education SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.

(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.

(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.

(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 Education Code section 47641, the process to be used to identify students 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.

(2) Measurable pupil outcomes, as required by Education Code 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 students and for groups of students.

(B) Include the school's Academic Performance Index growth target, if applicable.

(3) The method by which pupil progress is to be measured, as required by Education Code section 47605(b)(5)(C), at a minimum:

(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph (2)(A) of subdivision (f) of this section.

(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.

(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.

(4) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(b)(5)(D), at a minimum:

(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.

(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:

1. The charter school will become and remain a viable enterprise.

2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).

3. The educational program will be successful.

(5) The qualifications to be met by individuals to be employed by the school, as required by Education Code 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.

(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.

(C) Specify that the all requirements for employment set forth in applicable
provisions of law will be met, including, but not limited to credentials as necessary.

(6) The procedures that the school will follow to ensure the health and safety of
pupils and staff, as required by Education Code section 47605(b)(5)(F), at a minimum:

(A) Require that each employee of the school furnish the school with a criminal
record summary as described in Education Code section 44237.

(B) Include the examination of faculty and staff for tuberculosis as described in
Education Code section 49406.

(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.

(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.

(7) Recognizing the limitations on admissions to charter schools imposed by
Education Code section 47605(d), 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, as required by Education Code section 47605(b)(5)(G), shall be presumed
to have been met, absent specific information to the contrary.

(8) To the extent admission requirements are included in keeping with Education
Code section 47605(b)(5)(H), the requirements shall be in compliance with the
requirements of Education Code section 47605(d) and any other applicable provision of
law.

(9) 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, as required by Education Code section 47605(b)(5)(I), at a minimum:

(A) Specify who is responsible for contracting and overseeing the independent audit.

(B) Specify that the auditor will have experience in education finance.

(C) Outline the process of providing audit reports to the State Board of Education SBE, California Department of Education, or other agency as the board may direct, and specifying the time line in which audit exceptions will typically be addressed.

(D) Indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions.

(10) The procedures by which pupils can be suspended or expelled, as required by Education Code section 47605(b)(5)(J), at a minimum:

(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.

(B) Identify the procedures by which pupils can be suspended or expelled.

(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.

(D) 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 students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).
(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 students are subject to suspension or expulsion.

(11) 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, as required by Education Code section 47605(b)(5)(K), 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.

(12) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by Education Code section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils has no right to admission in a particular school of any local educational agency (LEA) (or program of any local education agency LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency LEA.

(13) 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 Education Code 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 local education agency LEA to work in the charter school that the local education agency LEA may specify.

(B) Any rights of return to employment in an local education agency LEA after employment in the charter school as the local education agency LEA 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
board State Board of Education 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.

(14) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(b)(5)(N), at a minimum:

(A) Include any specific provisions relating to dispute resolution that the State Board of Education SBE determines necessary and appropriate in recognition of the fact that the State Board of Education SBE is not an local education agency LEA.

(B) Describe how the costs of the dispute resolution process, if needed, would be funded.

(C) Recognize that, because it is not an local education agency LEA, the State Board of Education SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education 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.

(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 Education Code section 47604.5, the matter will be addressed at the State Board of Education’s SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.

(15) The declaration of 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 (Chapter 10.7 (commencing with Government Code § Section 3540) of Division 4 of Title 1 of the Government Code), as required by Education Code section 47605(b)(5)(O), recognizes that the State Board of Education 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 Educational Employment
Relations Act (Chapter 10.7 (commencing with Government Code sSection 3540) of
Division 4 of Title 1 of the Government Code).

(g) A "reasonably comprehensive" description, within the meaning subdivision (f) of
this section and Education Code section 47605(b)(5) shall include, but not be limited to,
information that:

(1) Is substantive and is not, for example, a listing of topics with little elaboration.
(2) For elements that have multiple aspects, addresses essentially all aspects the
elements, not just selected aspects.
(3) Is specific to the charter petition being proposed, not to charter schools or
charter petitions generally.
(4) Describes, as applicable among the different elements, how the charter school
will:
   (A) Improve pupil learning.
   (B) Increase learning opportunities for its pupils, particularly pupils who have been
       identified as academically low achieving.
   (C) Provide parents, guardians, and pupils with expanded educational opportunities.
   (D) Hold itself accountable for measurable, performance-based pupil outcomes.
   (E) Provide vigorous competition with other public school options available to
       parents, guardians, and students.

NOTE: Authority cited: Sections 33031 and 47605(j)(5), Education Code. Reference:
Section 47605, Education Code.

6-8-11 [California Department of Education]
Education Code (EC) Section 47607: Charter term renewal; criteria; material revision of charter; revocation

EC sections 47607 (a) and 47607(b)

(a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education or the state board, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.

(2) Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal pursuant to paragraph (1) of subdivision (a):

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

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

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

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

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

(i) Documented and clear and convincing data.

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

(iii) Information submitted by the charter school.

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

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

(5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.
Education Code (EC) Section 47605: Petition process to establish charter school; public hearing to review petition; grounds for grant or denial; statewide standards and pupil assessments; requirements for school relating to programs, admissions, practices and operations; information required of petitioners; preferences given to petitioners; notice of approval; denial of petition; criteria for review; oversight responsibilities; teacher qualifications; financial audit report

EC Section 47605 (k)(3)
A charter school that has been granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, prior to expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the school's petition for renewal, the school may petition the state board for renewal of its charter.

(EC) Section 47607.5: Renewal; application following denial or petition
If either a school district governing board or a county board of education, as a chartering agency, does not grant a renewal to a charter school pursuant to Section 47607, the charter school may submit its application for renewal pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (j) of Section 47605.
(Added by Stats.2000, c. 160 (S.B.326), § 1.)
California Code of Regulations, Title 5 (5 CCR) Section 11967.5.1: Criteria for the Review and Approval of Charter School Petitions by the State Board of Education.

(a) For purposes of Education Code section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the State Board of Education’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 State Board of Education.

(b) For purposes of Education Code 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 State Board of Education determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.

(2) A program that the State Board of Education determines not to be likely to be of educational benefit to the pupils who attend.

(c) For purposes of Education Code section 47605(b)(2), the State Board of Education shall take the following factors into consideration in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program.”

(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 State Board of Education 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.

(2) The petitioners are unfamiliar in the State Board of Education's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.

(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:

(A) In the area of administrative services, the charter or supporting documents do not adequately:

1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the
necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.

2. For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.

(B) In the area of financial administration, the charter or supporting documents do not adequately:

1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.

2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.

3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.

4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.

(C) In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

(D) In the area of facilities, the charter and supporting documents do not adequately:

1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

2. In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.
3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.

(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 plan to secure the services of individuals who have the necessary background in these areas:

   (A) Curriculum, instruction, and assessment.

   (B) Finance and business management.

(d) For purposes of Education Code section 47605(b)(3), 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). The State Board of Education shall not disregard signatures that may be purported to have been withdrawn or to have been determined to be invalid after the petition was denied by the school district.

(e) For purposes of Education Code section 47605(b)(4), a charter petition that “does not contain an affirmation of each of the conditions described in subdivision (d)” of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. 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 Education Code section 47605(d).

(f) For purposes of Education Code section 47605(b)(5), the State Board of Education shall take the following factors into consideration in determining whether a charter petition does not contain a “reasonably comprehensive” description of each of the specified elements.

   (1) The description of the educational program of the school, as required by Education Code section 47605(b)(5)(A), at a minimum:

      (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.

      (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 “educated person in the 21st century, belief of how learning best
occurs, and a goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.

(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.

(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).

(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 State Board of Education pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.

(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.

(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.

(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 Education Code section 47641, the process to be used to identify students 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.

(2) Measurable pupil outcomes, as required by Education Code 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 students and for groups of students.
(B) Include the school's Academic Performance Index growth target, if applicable.

(3) The method by which pupil progress is to be measured, as required by Education Code section 47605(b)(5)(C), at a minimum:

(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph (2)(A) of subdivision (f) of this section.

(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.

(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.

(4) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(b)(5)(D), at a minimum:

(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.

(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:

1. The charter school will become and remain a viable enterprise.
2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
3. The educational program will be successful.

(5) The qualifications to be met by individuals to be employed by the school, as required by Education Code 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.
(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.

(C) Specify that the all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.

(6) The procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(b)(5)(F), at a minimum:

(A) Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.

(B) Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.

(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.

(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.

(7) Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(d), 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, as required by Education Code section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

(8) To the extent admission requirements are included in keeping with Education Code section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(d) and any other applicable provision of law.

(9) 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, as required by Education Code section 47605(b)(5)(I), at a minimum:

(A) Specify who is responsible for contracting and overseeing the independent audit.
(B) Specify that the auditor will have experience in education finance.
(C) Outline the process of providing audit reports to the State Board of Education, California Department of Education, or other agency as the State Board of Education may direct, and specifying the time line in which audit exceptions will typically be addressed.

(D) Indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions.

(10) The procedures by which pupils can be suspended or expelled, as required by Education Code section 47605(b)(5)(J), at a minimum:

(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.

(B) Identify the procedures by which pupils can be suspended or expelled.

(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.

(D) 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 students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).

(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 students are subject to suspension or expulsion.

(11) 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, as required by Education Code section 47605(b)(5)(K), 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.

(12) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by Education Code section 47605(b)(5)(L), 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 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.

(13) 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 Education Code 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 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.

(14) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(b)(5)(N), at a minimum:

(A) Include 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.

(B) Describe how the costs of the dispute resolution process, if needed, would be funded.

(C) Recognize that, 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.

(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 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.

(15) The declaration of 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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code), as required by Education Code section 47605(b)(5)(O), recognizes that the State Board of Education 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 Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(g) A “reasonably comprehensive” description, within the meaning subdivision (f) of this section and Education Code section 47605(b)(5) shall include, but not be limited to, information that:

1. Is substantive and is not, for example, a listing of topics with little elaboration.

2. For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.

3. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.

4. Describes, as applicable among the different elements, how the charter school will:

   A. Improve pupil learning.

   B. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.

   C. Provide parents, guardians, and pupils with expanded educational opportunities.

   D. Hold itself accountable for measurable, performance-based pupil outcomes.
(E) Provide vigorous competition with other public school options available to parents, guardians, and students.


**California Code of Regulations, Title 5 (5 CCR) Section 11967: Appeals on Charter Petitions That Have Been Denied**

(a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education not later than 180 calendar days after the denial. Any petition received by the county board of education or State Board of Education more than 180 days after denial shall not be acted upon by the county board of education or State Board of Education.

(b) When filing a petition with the county board of education or the State Board of Education for the establishment of a charter school, petitioner(s) shall provide the following:

1. A complete copy of the charter petition as denied, including the signatures required by Education Code section 47605.

2. Evidence of the 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).

3. A signed certification stating that petitioner(s) will comply with all applicable law.

4. A description of any changes to the petition necessary to reflect the county board of education or the State Board of Education as the chartering entity as applicable.

(c) The county board of education or State Board of Education shall deny a petition for the establishment of a charter school only if that board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b)(1)-(5).

(d) Not later than 60 days after receiving a complete petition package, and following review of the petition at a duly noticed public meeting, a county board of education shall grant or deny the charter petition. This time period may be extended by an additional 30 days if the county board of education and the petitioner(s) agree to the extension.
(e) Not later than 90 days after receiving a complete petition package, the State Board of Education shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the State Board of Education and the petitioner(s) agree to the extension.

(f) In considering charter petitions that have been previously denied, the county board of education or State Board of Education are not limited to a review based solely on the reasons for denial stated by the school district, but must review the charter school petition pursuant to Education Code section 47605(b).

**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
   - [x] h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)

   (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: $ _______ 
      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:

   ________________________________________________

See SAM Section 6601 - 6616 for Instructions and Code Citations
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.) Cal/EPA 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 ________ (DATE) 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 ________ authorized by Section ________ 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.
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. Continuing eligibility to CSR funding would restore unknown and potentially significant state costs, depending on the number of schools that had previously participated in the CSR program and had lost funding due to being renewed by a different authorized...

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.

---

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6501-6516, 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 6501-6516 require completion of Fiscal Impact Statement in the STD.399.
State of California -- Department of Finance
Economic and Fiscal Impact Statement
(Regulations and Orders)

Department Name
Education

Contact Person
Linda M. Lewis

Telephone Number
916-319-0658

Descriptive Title From Notice Register or Form 400
Charter Renewal and Appeal (final 6-6-11)

Economic Impact Statement

Estimated Private Sector Cost Impacts
None

Fiscal Impact Statement

Fiscal Effect on Local Government

No additional costs or savings because this regulation makes only technical, non-substansive or clarifying changes to current law regulations.

Fiscal Effect on State Government

Continuing eligibility to CSR funding would restore unknown and potentially significant state costs, depending on the number of schools that had previously participated in the CSR program and had lost funding due to being renewed by a different authorizer.

Fiscal Effect on Federal Funding of State Programs

No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

Fiscal Officer Signature

(signed 6/21/2011)
ITEM 18
CALIFORNIA STATE BOARD OF EDUCATION

September 2011 AGENDA

SUBJECT
Assignment of Numbers for Charter School Petitions.

☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

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.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1360 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, eight 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.

SUMMARY OF KEY ISSUES

California law allows for the establishment of charter schools. A charter school is typically approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the provisions of its charter, but is exempt from many statutes and regulations governing school districts.
SUMMARY OF KEY ISSUES (Cont.)

California Education Code 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.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (1 Page)
## September 2011 State Board of Education Meeting
### 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>
</tr>
</thead>
<tbody>
<tr>
<td>1361</td>
<td>HOPE Leadership Charter School</td>
<td>Los Angeles</td>
<td>Los Angeles County Office of Education</td>
<td>Karen Dalton 450 Bauchet St. Los Angeles, CA 90012</td>
</tr>
<tr>
<td>1362</td>
<td>Riverside Drive Charter School</td>
<td>Los Angeles</td>
<td>Los Angeles Unified</td>
<td>Jennifer Kessler 13061 Riverside Dr. Sherman Oaks, CA 91423</td>
</tr>
<tr>
<td>1363</td>
<td>Pivot Charter School - Riverside</td>
<td>Riverside</td>
<td>Nuview Union</td>
<td>Jayna Gaskell 2550 Lakewest Dr. Chico, CA 95928</td>
</tr>
<tr>
<td>1364</td>
<td>Pivot Charter School - North Valley</td>
<td>Butte</td>
<td>Golden Feather Union Elementary</td>
<td>Jayna Gaskell 2550 Lakewest Dr. Chico, CA 95928</td>
</tr>
<tr>
<td>1365</td>
<td>New Spirit Charter Academy</td>
<td>Fresno</td>
<td>Fresno County Office of Education</td>
<td>Kathy Brown 3975 North Cedar Ave. Fresno, CA 93726</td>
</tr>
<tr>
<td>1366</td>
<td>Riverside County Education Academy</td>
<td>Riverside</td>
<td>Riverside County Office of Education</td>
<td>Diana Walsh-Reuss 3939 13th St. Riverside, CA 92502</td>
</tr>
</tbody>
</table>
ITEM 19
CALIFORNIA STATE BOARD OF EDUCATION

September 2011 AGENDA

SUBJECT
Revisions to the California School Accounting Manual.

SUMMARY OF THE ISSUE(s)

California Education Code Section 41010 provides that the accounting system used to record the financial affairs of school districts shall be in accordance with the California School Accounting Manual (CSAM) as approved by the State Board of Education (SBE). The California Department of Education (CDE) updates CSAM periodically to reflect changes such as new accounting pronouncements or legislative actions. Since CSAM was last updated, there have been several important changes affecting school district accounting and financial reporting. These have been disseminated to users through meetings and by letter, and must now be incorporated into the manual.

RECOMMENDATION

The CDE requests that the SBE approve the proposed revisions to the CSAM.

BRIEF HISTORY OF KEY ISSUES

The CDE is responsible for providing clear, consistent, and current advice and direction to local educational agencies (LEAs) on matters relating to budgeting, accounting, financial reporting, and fiscal solvency.

Changes necessitating revisions to CSAM include modifications to the standardized account code structure (SACS) codes, new Governmental Accounting Standards Board (GASB) pronouncements, and legislative actions affecting administration of federal and state educational programs.

This update of the CSAM includes changes and additions relating to:

1) Recent accounting pronouncements, particularly GASB Statement 54.
2) Changes in federal and state program requirements.
3) Clarification of guidance in response to inquiries from LEAs.
BRIEF HISTORY OF KEY ISSUES

The CDE formulates its guidance with input from school district and county office of education representatives including the School Financial Services Subcommittee, a subcommittee of the California County Superintendents Educational Services Association; the SACS Forum, a group of LEA staff and auditors with whom the CDE meets periodically; and smaller working groups of subject-matter experts. The most significant updates in the proposed revisions have been disseminated previously through meetings and by letter.

A summary of the proposed changes is provided as Attachment 1. The CSAM procedures containing the changes are provided as Attachments 2-33.

Note that italics in the attached documents indicate optional codes or emphasized items; they do not indicate changes. Also note that due to the inclusion of board agenda headers, some formatting or page breaks appear differently in the attachments than they will appear in the published manual.

The CSAM revisions will be reviewed by CDE Press before the manual is published. Any editing changes made subsequent to the SBE’s approval will be non-substantive.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE last approved revisions to the CSAM in March 2008.

FISCAL ANALYSIS (AS APPROPRIATE)

The updated CSAM sections, as well as the complete CSAM, will be available for download from the CDE’s Web site at no charge. CDE Press will continue to have printed copies available for purchase.

ATTACHMENT(S)

Attachment 1: Summary of Proposed Changes (8 pages)
Attachment 2: Procedure 105, Fund Accounting (7 Pages)
Attachment 3: Procedure 205, The Accounting Cycle (10 pages)
Attachment 4: Procedure 210, Budgetary Accounting (22 pages)
Attachment 5: Procedure 215, Audit Adjustments (15 pages)
Attachment 6: Procedure 305, Fund Classification (23 pages)
Attachment 7: Procedure 310, Resource (Project/Reporting) Classification (19 pages)
ATTACHMENT(S)

Attachment 8: Procedure 320, Goal Classification (14 pages)
Attachment 9: Procedure 325, Function (Activity) Classification (36 pages)
Attachment 10: Procedure 330, Object Classification (63 pages)
Attachment 11: Procedure 340, Valid Account Code Combinations (6 pages)
Attachment 12: Procedure 420, Prepaid Expenditures (4 pages)
Attachment 13: Procedure 425, Fair Value: Accounting and Reporting for Certain Investments (6 pages)
Attachment 14: Procedure 605, Balance Sheet Accounts—Coding Examples (4 pages)
Attachment 15: Procedure 610, Revenues—Coding Examples (8 pages)
Attachment 16: Procedure 645, County Office of Education—Coding Examples (6 pages)
Attachment 17: Procedure 650, Facility Maintenance Programs—Coding Examples (8 pages)
Attachment 18: Procedure 655, Employment Separation Costs—Coding Examples (7 pages)
Attachment 19: Procedure 720, Certificates of Participation (COPs) (6 pages)
Attachment 20: Procedure 730, Short-Term Borrowings (2 pages)
Attachment 21: Procedure 750, Pass-Through Grants and Cooperative Projects (10 pages)
Attachment 22: Procedure 755, Special Education (28 pages)
Attachment 23: Procedure 760, Regional Occupational Centers/Programs (ROC/Ps) (4 pages)
Attachment 24: Procedure 770, Distinguishing Between Supplies and Equipment (8 pages)
Attachment 25: Procedure 775, Accounting for Internal Service Funds (10 pages)
Attachment 26: Procedure 805, Joint Powers Agreements/Agencies (JPAs) (6 pages)
ATTACHMENT(S)

Attachment 27: Procedure 810, Charter Schools (13 pages)
Attachment 28: Procedure 905, Documenting Salaries and Wages (27 pages)
Attachment 29: Procedure 910, Program Cost Accounting (17 pages)
Attachment 30: Procedure 915, Indirect Cost Rate (18 pages)
Attachment 31: Appendix A, Analysis of Salaries (5 pages)
Attachment 32: Appendix B, Normal Balances of Balance Sheet Accounts (3 pages)
Attachment 33: Glossary of Terms (19 pages)
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<tr>
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<tbody>
<tr>
<td>105 – Fund Accounting</td>
<td>• Clarified guidance regarding restricted programs and activities within the general fund to incorporate the revised definition of restricted balances, per GASB Statement 54</td>
</tr>
<tr>
<td>205 – The Accounting Cycle</td>
<td>• Revised the title of Object 9790, replacing “Undesignated” with “Unassigned,” per GASB Statement 54</td>
</tr>
</tbody>
</table>
| 210 – Budgetary Accounting | • Updated ending balance object codes and titles, per GASB Statement 54  
• Renamed the section “Recording Budgeted Reserves” to “Recording Budgeted Components of Fund Balance” and updated the associated guidance to conform with GASB Statement 54 |
| 215 – Audit Adjustments | • Revised the terminology used for fund balance components in the example of determining audit adjustment materiality, to conform with GASB Statement 54  
• Added language to clarify that Object 9793 and Object 9795 should not be used with SACS resource codes subject to deferred revenue rather than fund balance |
| 305 – Fund Classification | • Added language stating that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70  
• Added “(Obsolete as of 2009-10)” to the titles and definitions of optional Fund 03 and Fund 06  
• Added new Fund 10, Special Education Pass-Through Revenue Fund  
• Added reference to Procedure 750 in the definition of Fund 76 |
| 310 – Resource (Project/Reporting) Classification | • Removed references to amounts “designated,” to conform with GASB Statement 54  
• Updated the fiscal year references for obsolete resource codes  
• Deleted outdated resource codes, including resource codes ending as a result of statutory ending balance flexibility  
• Added various new resource codes  
• Added final fiscal year designation “(09-10)” to obsolete resource codes  
• Revised the titles of various resource codes  
• Struck through resource codes inactivated as a result of statutory categorical flexibility, and added explanatory footnote that resource codes are inactive due to flexibility |
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</thead>
</table>
| 320 – Goal Classification | • Replaced “ROC/P” with “ROCP”
  • Clarified the definition of Goal 1110, Regular Education, K -12, for circumstances in which a county office of education would use this goal |
| 325 – Function Classification | • Added language stating that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70
  • Updated program reference in the Function 2100 description
  • Updated regulatory reference in the Function 3110 description
  • Clarified the definition of optional Function 7410, Staff Development for noninstructional staff, to distinguish it from the optional instructional staff development Function 2140
  • Clarified the definition of Function 7700, Centralized Data Processing, to emphasize its use for agencywide data processing services of an administrative nature |
| 330 – Object Classification | • Added language stating that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70
  • Object 4300, Materials and Supplies – expanded definition to clarify that it would include items that are not consumable but that do not meet either the capitalization threshold or the inventory threshold
  • Object 5100, Subagreements for Services – revised the definition to provide that the first $25,000 of subagreements for services chargeable to Object 5800 is per year, not per subagreement, to reflect recent change in federal direction
  • Object 5450, Other Insurance (Optional) – expanded the definition to emphasize that employee health insurance is not chargeable to this object code
  • Object 6400, Equipment – clarified the definition for types of software purchases considered equipment, and what costs should be included in the acquisition cost of equipment
  • Object 8046, Supplemental Educational Revenue Augmentation Fund (SERAF) – added new object code
  • Object 8435, Class Size Reduction, Grades K – 3 – added “(Inactive effective 2009-10 due to statutory categorical flexibility)” to the title and definition |
## Procedure

<table>
<thead>
<tr>
<th>Summary of Changes</th>
</tr>
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<tbody>
<tr>
<td><strong>Object 8480</strong>, Charter Schools Categorical Block Grant – added “(Inactive effective 2009-10 due to statutory categorical flexibility)” to the title and definition</td>
</tr>
<tr>
<td><strong>Object 8540</strong>, Deferred Maintenance Allowance – added “(Inactive effective 2009-10 due to statutory categorical flexibility)” to the title and definition</td>
</tr>
<tr>
<td><strong>Object 8629</strong>, Penalties and Interest from Delinquent Non-Revenue Limit Taxes – corrected hyphenation</td>
</tr>
<tr>
<td><strong>Object 8973</strong>, Proceeds from Lease Revenue Bonds – clarified definition by removing reference that special reserve fund for capital projects does not allow lease revenue bond transactions</td>
</tr>
<tr>
<td><strong>Object 8995</strong>, Categorical Education Block Grant Transfers – added “(Inactive effective 2009-10 due to statutory categorical flexibility)” to the title and definition</td>
</tr>
<tr>
<td><strong>Object 8997</strong>, Transfers of Restricted Balances – added “(Valid 2003-04, 2008-09 and 2009-10 only)” to the title and definition, and clarified the definition to include reference to SBX3 4</td>
</tr>
<tr>
<td><strong>Object 8998</strong> – revised title from “Categorical Flexibility Transfers per Budget Act Section 12.40” to “Categorical Flexibility Transfers,” and added “(Inactive as of 2009-10).” Clarified the definition to distinguish the use of this object in 2008-09 versus its use in prior years for Budget Act Section 12.40 transfers</td>
</tr>
<tr>
<td><strong>Objects 9700 through 9790</strong> – retained pre-GASB 54 codes, titles, and definitions, clarifying that they are valid through 2010-11, and added new section of GASB 54-compliant codes, titles, and definitions, clarifying that they are effective beginning 2011-12</td>
</tr>
<tr>
<td>Added new Object 9796, Capital Assets, Net of Related Debt, for use in Funds 61 through 73</td>
</tr>
<tr>
<td>Added new Object 9797, Restricted Net Assets, for use in Funds 61 through 73</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>340 – Valid Account Code Combinations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Object 9790</strong> – replaced Undesignated/Unappropriated with Unassigned/Unappropriated (9790), per GASB Statement 54</td>
</tr>
<tr>
<td><strong>Object 1100</strong> – corrected the title from “Teachers’ Salaries” to “Certificated Teachers’ Salaries”</td>
</tr>
<tr>
<td><strong>Object 2100</strong> – corrected the title from “Instructional Aides’ Salaries” to “Classified Instructional Salaries”</td>
</tr>
</tbody>
</table>
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September 2011

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Summary of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Updated outdated resource code references</td>
</tr>
</tbody>
</table>
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#### Summary of Proposed Changes
##### September 2011

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>420 – Prepaid Expenditures</td>
<td>Replaced “undesignated fund balance” with “unassigned fund balance,” per GASB Statement 54</td>
</tr>
<tr>
<td>425 – Fair Value: Accounting and Reporting for Certain Investments</td>
<td>Revised the guidance for reporting unrealized gains and losses in fund balance to conform with GASB Statement 54</td>
</tr>
<tr>
<td>605 – Balance Sheet Accounts—Coding Examples</td>
<td>Added language stating that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70. Corrected the title of Object 1100 in Example 1b, from “Teachers' Salaries” to “Certificated Teachers' Salaries” &amp; Updated ending balance object codes and titles per changes made pursuant to GASB Statement 54 &amp; Revised page 3 to remove reference to “reservations and designations”; replaced with “components,” per GASB Statement 54</td>
</tr>
<tr>
<td>610 – Revenues—Coding Examples</td>
<td>Corrected the title of Object 1100 from “Teachers' Salaries” to “Certificated Teachers' Salaries” &amp; Corrected the title of Object 2100 from “Instructional Aides' Salaries” to “Classified Instructional Salaries”</td>
</tr>
<tr>
<td>645 – County Office of Education—Coding Examples</td>
<td>Added language stating that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70. Corrected the title of Object 1100 from “Teachers' Salaries” to “Certificated Teachers' Salaries” &amp; Corrected the title of Resource 6680 in one of the examples</td>
</tr>
<tr>
<td>650 – Facility Maintenance Programs—Coding Examples</td>
<td>Added language that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70</td>
</tr>
<tr>
<td>655 – Employment Separation Costs—Coding Examples</td>
<td>Clarified guidance that federal programs subject to the federal cost principles may not be charged directly for normal separation costs, to allow for exceptions such as ARRA State Fiscal Stabilization Funds. Clarified guidance that federal programs subject to the federal cost principles may not be charged directly or indirectly for abnormal or mass separation costs, to allow for exceptions</td>
</tr>
</tbody>
</table>
California School Accounting Manual  
Summary of Proposed Changes  
September 2011

<table>
<thead>
<tr>
<th>Section</th>
<th>Proposed Changes</th>
</tr>
</thead>
</table>
| 720 – Certificates of Participation | - Revised the COPs reserve account description with the appropriate fund balance classification, per GASB Statement 54  
- Updated ending balance object codes titles, per GASB Statement 54  
- Replaced Undesignated/Unappropriated with Unassigned/Unappropriated, per GASB Statement 54  
- Replaced Reserve for All Others with All Other Nonspendable Assets, per GASB Statement 54 |
| 730 – Short-Term Borrowings | - New procedure added to provide guidance regarding options and accounting for short-term borrowing |
| 750 – Pass-Through Grants and Cooperative Projects | - Added language that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70  
- Expanded guidance on the cash conduit pass-through model to include accounting for certain types of funding passed through by authorizing LEAs to charter schools |
| 755 – Special Education | - Added a new section that provides an overview of the SELPA  
- Added a new section that describes SELPA AU pass-through activities and the use of the new Fund 10, Special Education Pass-Through Revenue Fund, for those activities  
- Updated examples throughout to reflect the addition of Fund 10 |
| 760 – Regional Occupational Centers/Programs (ROCPs) | - Added language that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70  
- Replaced “ROC/P” with “ROCP”  
- Corrected title of Object 1100 from “Teachers’ Salaries” to “Certificated Teachers’ Salaries” |
| 770 – Distinguishing Between Supplies and Equipment | - Clarified what to include in the cost of an item when determining whether it should be capitalized |
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| 775 – Accounting for Internal Service Funds | • Expanded guidance regarding recording claim or judgment payments in the self-insurance fund to emphasize the use of the appropriate object code  
• Added guidance and an illustration for recording reimbursements to the general fund for costs of administering self-insurance activities |
| 805 – Joint Powers Agreements/Agencies (JPAs) | • Added language stating that guidance may include information that is temporarily superseded by flexibility provisions of SBX3 4 and SB 70  
• Replaced “ROC/P” with “ROCP” |
| 810 – Charter Schools | • Updated reference to GASB authoritative literature regarding reporting entities  
• Clarified guidance regarding the use of functions in Fund 62  
• Objects 9700 – 9790 – retained pre-GASB 54 codes and titles clarifying that they are valid through 2010-11, and added new section of GASB 54-compliant codes and titles, clarifying that they are effective 2011-12  
• Added new Object 9796, Capital Assets, Net of Related Debt  
• Added new Object 9797, Restricted Net Assets |
| 905 – Documenting Salaries and Wages | • Clarified guidance that federal cost principles cited in the procedure apply only to federal programs that are subject to those principles, to allow for exceptions such as ARRA State Fiscal Stabilization or Ed Jobs Funds  
• Added notation regarding exception to time accounting requirements for employees who work 100% on a Schoolwide Program (SWP) plan at a school that has all programs consolidated in its SWP. |
| 910 – Program Cost Accounting | • Updated to reflect recent inclusion of charter schools funds in the Program Cost Report |
| 915 – Indirect Cost Rate | • Added link to Web site where delegation agreement number and effective date of current indirect cost plan can be found  
• Added language to emphasize that indirect costs are a subset of administrative costs, at USDE’s request  
• Updated guidance to reflect recent changes to CDE’s approved indirect cost plan, primarily relating to how the carry-forward adjustment for over- or under-recovery of indirect costs is calculated  
• Updated guidance for minor changes to amounts included in the numerator and denominator of the indirect costs calculation |
# California School Accounting Manual
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| Appendix A – Analysis of Salaries | Corrected the function code for certain Teacher (Object 1100) classifications |
|Appendix B – Normal Balances of Balance Sheet Accounts | Updated ending balance objects codes and titles per GASB Statement 54 |
| | Added new Object 9796, Capital Assets, Net of Related Debt |
| | Added new Object 9797, Restricted Net Assets |

| Glossary of Terms | Capital Project Funds – clarified definition to conform with GASB Statement 54 |
| | Designation for Economic Uncertainties – removed definition and added notation to refer to “Reserve for Economic Uncertainties” |
| | General fixed asset account group and general group of long term debt accounts – deleted obsolete term and definition |
| | General group of long term debt accounts – deleted obsolete term and definition |
| | Reserve – deleted term and definition; in this context, term is no longer applicable per GASB Statement 54 |
| | Reserve for Economic Uncertainties – removed “see Designation for Economic Uncertainties” and added definition in conformance with GASB Statement 54 |
| | Special Revenue Funds – clarified to conform with GASB Statement 54 |
Procedure 105  Fund Accounting

Accounting is the fiscal information system for business. The function of all accounting systems is to present fairly and with full disclosure the financial position and results of operations of a business in conformity with generally accepted accounting principles.

Local educational agencies (LEAs), like all other types of businesses, use accounting to record, analyze, and summarize their financial activities and status. Once the information is accumulated, it is the accountant's responsibility to evaluate, interpret, and communicate the results to all interested parties.

Definition and Purpose of Funds

LEA accounting (governmental accounting) shares many characteristics with commercial accounting, but it has its own information needs and reporting requirements. One of these is to enable LEAs to determine and demonstrate compliance with finance-related legal, budgetary, and contractual provisions and restrictions on the use of public resources. LEA accounting systems, like those of other governmental units, are organized and operated on a fund basis. Accounting for LEAs is referred to as fund accounting. The authoritative definition of a fund according to generally accepted accounting principles (GAAP) is the following:

A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

The principal role of funds is to demonstrate fiscal accountability. The financial transactions of LEAs are separated into various funds in order to permit administrators to ensure, and report on, compliance with the laws and regulations that affect LEAs.

Categories and Types of Funds
Procedure 105  Fund Accounting

The following table shows the three categories of funds defined by GAAP, the eleven types of funds within those three categories, and the measurement focus and basis of accounting used in each.

LEAs may establish and maintain those funds authorized by the California School Accounting Manual. (Individual fund types for use by California LEAs are discussed in Procedure 305.)

An LEA may maintain more than one of any type of fund except for the general fund. However, unnecessary funds result in undue complexity and inefficient financial administration. The number of funds principle provides that LEAs should use only the minimum number of funds required by law, sound financial administration, and operating requirements.

<table>
<thead>
<tr>
<th>Fund Category</th>
<th>Fund Type</th>
<th>Measurement Focus</th>
<th>Basis of Accounting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental Funds</td>
<td>General Fund</td>
<td>Current Financial Resources</td>
<td>Modified Accrual</td>
</tr>
<tr>
<td></td>
<td>Special Revenue Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capital Project Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Debt Service Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Permanent Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proprietary Funds</td>
<td>Enterprise Fund</td>
<td>Economic Resources</td>
<td>Accrual</td>
</tr>
<tr>
<td></td>
<td>Internal Service Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fiduciary Funds</td>
<td>Pension (and other employee benefit) Trust Fund</td>
<td>Economic Resources</td>
<td>Accrual</td>
</tr>
<tr>
<td></td>
<td>Investment Trust Funds (not used by California LEAs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Private-Purpose Trust Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agency Fund</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Governmental funds* are used to account for activities that are governmental in nature. Governmental activities are typically tax-supported and include education of pupils, operation of food service and child development programs, construction and maintenance of school facilities, and repayment of long-term debt.

Of the eleven fund types defined by GAAP, five are governmental:
The *general fund* is the main operating fund of the LEA. It is used to account for all activities not accounted for in another fund. In keeping with the minimum number of funds principle, all of an LEA's activities are reported in the general fund unless there is a compelling reason to account for an activity in another fund. An LEA may have only one general fund.

*Special revenue funds* are used to account for the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes, other than debt service or capital projects, and that compose a substantial portion of the inflows of the fund. Examples include the Cafeteria Special Revenue Fund and the Child Development Fund. (See "Restricted Programs and Activities Within the General Fund" later in this procedure.) The specific restricted or committed revenue sources should be expected to continue to be a substantial portion of the inflows of the fund. Additional resources that are restricted, committed, or assigned to the purpose of the fund may also be reported in the fund.

*Capital projects funds* are used to account for financial resources that are restricted, committed, or assigned to be used for the acquisition or construction of major capital facilities and other capital assets other than those financed by proprietary funds and trust funds. An LEA's use of a capital projects fund does not mean that the LEA should account for all capital acquisition in that fund; routine purchases of capitalizable items are typically reported in the general fund. A capital projects fund should be used only for major capital acquisition or construction activities that would distort trend data if not reported separately from an LEA's operating activities. Examples are the Building Fund and the County School Facilities Fund.

*Debt service funds* are used to account for the accumulation of restricted, committed, or assigned resources for, and the payment of, principal and interest on general long-term debt. Debt service funds should be used when financial resources are being accumulated for principal and interest payments maturing in future years or when required by law. An example is the Bond Interest and Redemption Fund.
Permanent funds are used to report resources for which a formal trust agreement exists and that are restricted to the extent that the earnings, but not the principal, may be used for purposes that support the LEA's own programs.

Proprietary funds are used to account for activities that are more business-like than government-like in nature. Business-type activities include those for which a fee is charged to external users or to other organizational units of the LEA, normally on a full cost-recovery basis. Proprietary funds are generally intended to be self-supporting.

Two of the eleven fund types defined by GAAP are proprietary:

Enterprise funds may be used to account for activities for which fees are charged to external users for goods or services. An enterprise fund must be used for any activity for which issued debt is backed solely by fees and charges and for any activity for which there is a legal requirement or a policy decision that the cost of providing services, including capital costs such as depreciation or debt service, be recovered through fees or charges. In practice, enterprise funds are sometimes used to account for activities that are only partially funded through user fees and charges, to highlight the costs of the services provided by the activity and to highlight the portion of costs borne by taxpayers. Examples are the Cafeteria Enterprise Fund and the Charter Schools Enterprise Fund.

Internal service funds are used to account for goods or services provided on a cost reimbursement basis to other funds or departments within the LEA and, occasionally, to other agencies. If other agencies are involved, the use of an internal service fund is appropriate only if the LEA is the predominant participant; otherwise, an enterprise fund should be used. The goal of an internal service fund is to measure and recover the full cost of providing goods or services through user fees or charges, normally on a break-even basis, including the cost of capital assets used in providing the service. Examples are the Self-Insurance Fund and the Warehouse Revolving Fund.

Fiduciary funds are used to account for assets held by the LEA in a trustee or agency capacity for others that cannot be used to support the LEA's own programs.
Four of the eleven funds types defined by GAAP are fiduciary:

*Pension (and other employee benefit) trust funds* are used to report resources that are required to be held in trust for the members and beneficiaries of defined benefit pension plans, defined contribution plans, other postemployment benefit plans, or other employee benefit plans. An example is the Retiree Benefit Fund.

*Investment trust funds* are used by governmental agencies such as the county treasurer to report external investment pools of mingled resources. LEAs do not use investment trust funds.

*Private-purpose trust funds* are used to report formal trust arrangements under which principal and interest benefit other individuals, private organizations, or other governments. An example is the Foundation Private-Purpose Trust Fund.

*Agency funds* are used to account for resources in which the LEA's role is purely custodial, such as the receipt and remittance of fiduciary resources to individuals or other governments. All assets reported in an agency are offset by a corresponding liability to the party on whose behalf they are held. Examples are the Warrant/Pass-Through Fund and the Student Body Fund.

### Restricted Programs and Activities Within the General Fund

In California LEAs, restricted programs or activities relating to the operation of kindergarten through grade twelve (K–12) educational programs are considered a part of ordinary operations and are accounted for in the general fund rather than in a special revenue fund. Within the general fund, restricted programs or activities must be identified, accounted for, and reported separately. This requirement means that general fund activities will be divided into restricted and unrestricted segments. This is achieved through the use of the resource field of the standardized account code structure. (The resource field is discussed in Procedure 310.)

Restricted programs or activities are those funded from revenue sources subject to constraints imposed by external resource providers or by law through constitutional provisions or enabling legislation. Unrestricted
Procedure 105  Fund Accounting

revenues are those funds whose uses are not subject to external or legal constraints and may be used for any purposes not prohibited by law. Programs funded by a combination of restricted and unrestricted sources, where the contribution of unrestricted resources is required as a condition of funding or is necessary in order to operate the program, are accounted for and reported as restricted.

Funds or activities that are not subject to external or legal constraints, but rather are earmarked for particular purposes by the LEA's governing board, are accounted for and reported as unrestricted. LEAs need to review local revenue received from external sources to determine whether legally enforceable restrictions apply for purposes of accounting for the revenues as restricted or unrestricted.
The accounting cycle is a set of procedures performed to keep track of and report the financial effects of economic transactions and events directly affecting the LEA's operations and financial condition. The accounting cycle is also known as the accounting process.

Sequence of the Accounting Cycle

The accounting cycle consists of three phases: the recording phase, the summarizing and reporting phase, and the closing phase. This process is referred to as a cycle because the sequence is perpetually repeated. It consists of the following steps:

**Recording phase**—These steps are done throughout the year:

1. A source document is prepared or received for a transaction or event that has occurred. Source documents include items such as purchase orders, invoices, vouchers, checks, and receipts.
2. The transaction is analyzed to determine the fund to which it relates and to which it will be posted.
3. The transaction is analyzed to determine which object accounts within the fund are affected (e.g., cash, accounts receivable, accounts payable, revenue, expenditure) and its other identifying characteristics, such as the resource, goal, and function. The transaction will be double-entry and will result in an increase or a decrease in the balance of each account involved.
4. The transaction is recorded in the appropriate journal.
5. From the journal, the entries are posted to the appropriate accounts in the general ledger and, where applicable, in the subsidiary ledgers. At this point, the transactions are separated by fund as well as classified according to the different components of the standardized account code structure.

**Summarizing and reporting phase**—These steps are done periodically during the year and at the end of the year:
Procedure 205  The Accounting Cycle

6. Account balances are computed, and a trial balance is prepared.

7. Adjusting entries are prepared in the journals and posted in the general ledger and, where applicable, in the subsidiary ledgers.

8. An adjusted trial balance is prepared.

9. Financial statements and other reports are prepared.

Closing Phase—These steps are done at the end of the year:

10. Nominal accounts are closed, and a post-closing trial balance is prepared.

11. As an optional step, reversing entries may be prepared at the beginning of the following year. Reversing entries are discussed later in this procedure.

Budgetary Accounting

In an LEA operation, as in any governmental operation, part of the cycle will include recording the adopted budget at the beginning of the year, modifying that budget during the year, and encumbering appropriations during the year. (Budgetary accounting entries are discussed in Procedure 210.)

Source Documents

Generally, a source document is generated when a transaction occurs. These documents are the original records of financial transactions. They provide detailed information about the transactions, such as the nature, date, and amount of the transaction and the parties involved. They are an integral part of the accounting system as they provide a means of verifying the data recorded in the books of accounts. No entry should be made in the books without a supporting source document.

Examples of source documents are the following:

- Adopted budget—the basis for recording the budget
Procedure 205 The Accounting Cycle

- Checks and check stubs—the basis for cash disbursements
- Purchase invoices and receiving receipts—support for purchases
- Cash logs or similar record—support for cash receipts

Analyzing Transactions

Before a transaction is recorded in the books, it must first be analyzed to determine which funds and accounts are affected by the transaction and how they are affected. Analyzing a transaction involves the following steps:

1. Identify which fund or funds are affected by the transaction.
2. Identify the accounts in the other five SACS fields (resource, goal, project year, function, and object) that are involved in the transaction.
3. Determine whether each account combination increased or decreased to determine what will be debited and what will be credited.
4. Determine the amount by which each account combination was affected.

After this analysis the accounting entry can be determined. To illustrate, assume the following three September transactions for a school district:

1. On September 15, 2003, it received $100,000.00 from the California Department of Education for a No Child Left Behind (NCLB) grant under Title I, Part A, Basic Grants Low-Income and Neglected.
2. On September 23, it purchased $510.00 in office supplies.
3. On September 30, it paid teacher salaries of $15,000.00.

All these transactions affect Cash in County Treasury, as a result of receiving grant revenue and paying for office supplies and teachers salaries.

The following are the sample three entries. For simplicity, only the object account is illustrated here; use of the full SACS account code structure is discussed in Procedure 301.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-15-xx</td>
<td>Cash in County Treasury</td>
<td>9110</td>
<td>100,000.00</td>
<td></td>
</tr>
</tbody>
</table>
Procedure 205  The Accounting Cycle

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-23-xx</td>
<td>Materials and Supplies</td>
<td>4300</td>
<td>510.00</td>
<td>510.00</td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>9110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record the purchase of office supplies.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-30-xx</td>
<td>Certificated Teachers' Salaries</td>
<td>1100</td>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>9110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record payment of teachers salaries for Sept. xxxx.

Note that Cash in County Treasury, an asset account, is debited for an increase and credited for a decrease; the revenue account is credited for an increase; and the expenditure accounts are debited for an increase. The table below shows how accounts are increased or decreased by debit and credit entries:

<table>
<thead>
<tr>
<th>To increase the account</th>
<th>Assets</th>
<th>Liabilities</th>
<th>Fund Balance</th>
<th>Revenues</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Debit</td>
<td>Credit</td>
<td>Credit</td>
<td>Credit</td>
<td>Debit</td>
</tr>
<tr>
<td>To decrease the account</td>
<td>Credit</td>
<td>Debit</td>
<td></td>
<td>Debit</td>
<td>Credit</td>
</tr>
</tbody>
</table>

The "To increase the account" row in this table shows the "normal" balance for an account (e.g., assets normally have a debit balance). A starting point to tell if an account balance is correct is to check if it has a normal balance.

Recording Transactions in Journals

The entry determined from the analysis of a transaction will be recorded in the journals. The entries shown previously are in the form of a general journal entry, which shows the debit, credit, and explanation for each entry in addition to the date and amount. In actual practice, the entries may be entered in special journals, such as the cash receipts journal, the cash
Procedure 205  The Accounting Cycle

disbursements journal, and the payroll journal. The entries made in the special journals will still have the debit and credit sides of the entries, although the formats of the journals vary.

In computerized systems, the data entered in the journals by the user may be just one side of the entry rather than a debit and a credit because the system will automatically make the opposite side of the entry. For example, in the cash receipts journal, the only data entered for a transaction might be the revenue received (the credit) and not the increase in cash (the debit). In posting the transactions to the ledger, the system automatically debits the cash account, either for each individual entry made in the journal or for the total of the entries in a batch. Therefore, there is no need to enter the debit to cash for every journal entry since the system follows the double-entry method of recording transactions.

Posting to the Ledger

The next step in the accounting cycle is posting the journal entries to the general ledger and, where applicable, to the subsidiary ledger(s). The term posting means transferring to the general ledger and, where applicable, to the subsidiary ledger(s), the individual amounts or summary totals of accounts entered in the journals.

Each amount or total is posted to the proper account in the ledger as either a debit or a credit. In the previous examples, the amounts affecting Cash in County Treasury will be posted in the general ledger as follows:

<table>
<thead>
<tr>
<th>Account 9110</th>
<th>Cash in County Treasury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>Beg. Bal.</td>
</tr>
<tr>
<td>9-15-xx</td>
<td>J1</td>
</tr>
<tr>
<td>9-23-xx</td>
<td>J2</td>
</tr>
<tr>
<td>9-30-xx</td>
<td>J3</td>
</tr>
</tbody>
</table>

Note that an entry is made in either the debit or credit column, and its result is reflected in the balance column. Since this is an asset account, the balance increases with a debit entry and decreases with a credit entry. An entry is also made in the last column to show that the new balance of the account is a debit (Dr).
Procedure 205  The Accounting Cycle

Part of the posting process is calculating the balances of the general ledger accounts. An account balance is simply the difference between the debit and credit entries posted in an account; it will be either a debit or a credit amount. Computerized accounting systems automatically calculate the account balances as entries are posted to the general ledger.

The "Reference" column is used to show the page number or other reference for the source of the entry. In this illustration, "J1" was entered for the September 15 transaction to indicate that the information for this posting came from the general journal (abbreviated as "J") and that it was entry number 1. Other references will be used depending on the actual journal from which the postings came. Through this method, any item in the general ledger can be traced easily to its origin.

In manual systems, posting of transactions to the general ledger is done periodically, usually once a month. In most computerized accounting systems, there is no need for a special posting process to be run at specified intervals; entries made in the journals are simultaneously posted by the system to the general ledger, and the account balances are automatically computed. Regardless of the recordkeeping method used, the basic principles of posting remain the same.

Trial Balance and Adjustments

The next step in the accounting cycle is the preparation of a trial balance. A trial balance is a listing of all the general ledger accounts and their balances. It is prepared periodically to verify that accounts are in balance. It is also helpful in verifying the accuracy of account balances and in preparing financial statements. If the account balances are correct, the total of the debits in the trial balance will equal the total of the credits, but the reverse is not necessarily true. The fact that the total debits equal the total credits does not necessarily mean that the account balances are correct.

After the trial balance has been prepared, the LEA can determine what adjustments, if any, are needed in the accounts. This does not mean that adjustments to the accounts are ascertained only after a trial balance has been prepared; adjustments needed to correct an account balance can be identified without preparing a trial balance. Using a trial balance facilitates the overall review of the accounts. Year-end adjustments include recording deferred revenue, prepaid expenditures, and accrued liabilities.
and making any necessary correcting entries. Adjustments are entered in the journal(s) and posted in the general ledger and, where applicable, in the subsidiary ledgers.

**Adjustments of Prior Year's Accruals**

Adjustments are sometimes necessary for differences between amounts accrued as receivable or payable in the prior year and amounts actually received or paid during the current year. Differences could result when accruals are estimated because the exact amounts are not available at the time of the accrual or amounts accrued do not materialize. In such cases, the adjustments should be made to current year's revenue or expenditure accounts, not to the fund balance account.

For example, assume that the LEA overestimated its revenue accounts receivable in the prior year by the following amounts:

<table>
<thead>
<tr>
<th>Revenue source</th>
<th>Prior year's accrual</th>
<th>Actually received</th>
<th>Difference (adjustment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vocational Program</td>
<td>$20,000.00</td>
<td>$18,000.00</td>
<td>-$2,000.00</td>
</tr>
<tr>
<td>Adult Education</td>
<td>15,000.00</td>
<td>14,000.00</td>
<td>-$1,000.00</td>
</tr>
<tr>
<td>Total Adjustment</td>
<td></td>
<td></td>
<td>-$3,000.00</td>
</tr>
</tbody>
</table>

The $3,000.00 difference will be recorded as a reduction (debit) to the current year's revenue rather than as a restatement (reduction) of the beginning fund balance.

If the differences between the accrued and the actual amounts are due to errors and are material, such as accruing significant liabilities for expenditures that were not actually incurred, they should be recorded as a restatement of the beginning fund balance.

**Financial Statements**

After the adjustments have been posted and the new balances calculated, an adjusted trial balance can be prepared to verify that accounts are still in balance and to check if the account balances are now accurate. This process can be repeated until the LEA has ascertained the account balances are correct, at which time the financial statements can be prepared.
LEA financial statements and reporting are discussed in Procedure 101.

Closing the General Ledger

At the end of each fiscal year, after the LEA has prepared the financial statements, the books are "closed." Closing the books is the accounting process in which the budgetary accounts (estimated revenues, appropriations, and encumbrances) are zeroed out and the actual "temporary" or "nominal" accounts (revenue and expenditure accounts) are closed out to the fund balance. Any excess of revenues over expenditures is added to the fund balance; any excess of expenditures over revenues is deducted from the fund balance. Closing the books separates financial transactions by year and measures the results of operations of a fund for the year.

The following closing journal entries will be necessary at the end of year:

To Close Estimated Revenue and Appropriations:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-30-xx</td>
<td>Appropriations</td>
<td>9820</td>
<td>xxxx</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unassigned/Unappropriated Fund Balance</td>
<td>9790</td>
<td>xxxx</td>
<td>xxxx</td>
</tr>
<tr>
<td></td>
<td>Estimated Revenue</td>
<td>9810</td>
<td>xxxx</td>
<td></td>
</tr>
</tbody>
</table>

To close the estimated revenue and appropriation accounts.

To Close Encumbrances:

All of the encumbrances that are outstanding at the end of the year are disencumbered as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-30-xx</td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td>xxxx</td>
<td>xxxx</td>
</tr>
<tr>
<td></td>
<td>Encumbrances</td>
<td>9830</td>
<td>xxxx</td>
<td>xxxx</td>
</tr>
</tbody>
</table>

To close the encumbrance account.

To Close Revenues and Expenditures:
Procedure 205   The Accounting Cycle

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>06-30-xx</td>
<td>Revenue accounts</td>
<td>(Various)</td>
<td>xxxx</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other financing sources accounts</td>
<td>(Various)</td>
<td>xxxx</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Expenditure accounts</td>
<td>(Various)</td>
<td>xxxx</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other financing uses accounts</td>
<td>(Various)</td>
<td>xxxx</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unassigned/Unappropriated Fund Balance</td>
<td>9790</td>
<td>xxxx</td>
<td></td>
</tr>
</tbody>
</table>

To close the revenue and expenditure accounts.

Note that the Unassigned/Unappropriated Fund Balance will be debited if the total of the revenues and other financing sources is less than the total of the expenditure and other financing uses.

After the books have been closed, a post-closing trial balance can be prepared. If the closing entries were done and posted correctly, only the "real" or "permanent" accounts (balance sheet accounts) will have balances in the post-closing trial balance. These are the account balances that will be carried forward as beginning balances in the new fiscal year.

Reversing Entries

If an LEA uses the reversal method, entries are made at the start of a fiscal year to reverse the adjusting entries that established deferred revenues, prepaid expenditures, and accrued liabilities at the end of the prior year. Reversing entries are not required but are often used to facilitate the recording of transactions in the new year. When transactions are being recorded in the new year, there is then no need to identify those that pertained to the prior year. For example, if a reversing entry was made for liabilities accrued in the prior year, there is no need to identify which of the expenditure disbursements being recorded in the new year pertained to the liability accruals; the disbursements can all be charged to the expenditure accounts. On the other hand, if a reversing entry was not made, current year payments relating to prior year's accruals will have to be charged to the payable accounts rather than to expenditure accounts. Note that the reversal method does not eliminate the need for the LEA to monitor whether amounts accrued in the prior year are actually received and paid in the new year.
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Procedure 210 Budgetary Accounting

One of the unique features of fund accounting is the use of budgetary accounts, which, typically, are not used in commercial accounting. In fund accounting, the revenue and expenditure accounts are the "actual" accounts and represent the actual activity of the fund as it will be reported in the financial statements. In contrast, the budgetary accounts are projections and show how much is estimated to be spent or received during a given period of time to carry out the local educational agency's (LEA's) goals.

Budgetary Accounts and Integration

The budgetary accounts allow for the comparison of actual revenues and expenditures with estimated revenues and expenditures. Upon adoption of the budget, budgetary accounts must be established and integrated within the accounting system to provide management with timely financial information to track the status of budgetary revenues and expenditures.

The budgetary accounts prescribed for school districts and county offices of education include the following:

- Estimated Revenue (9810)
- Estimated Other Financing Sources (9815)
- Appropriations (9820)
- Estimated Other Financing Uses (9825)
- Encumbrances (9830)

Budgetary accounts have two purposes:

1. To record the estimated revenues of a fund by source and amount. The recording of actual revenues allows for a comparison of the actual revenues with the estimated revenues.
2. To record the limits that are set on the expenditure levels by the appropriations. The recording of actual expenditures allows a comparison of the actual expenditures to the amounts that are available to be committed or expended within the limits set by law or by the governing board.
Procedure 210  Budgetary Accounting

Each budgetary account is supported by a subsidiary ledger and controlled at a level specified by legal requirements to allow comparisons with actual results of financial operations. At the end of the fiscal year, budgetary accounts are closed by reversing the entries made at the beginning of the fiscal year.

Comparison of Actual Results with the Legally Adopted Budget

Governmental Accounting Standards Board (GASB) Statement No. 34, applicable to state and local governments, changed the way budget information is reported in the year-end audited financial statements. Previously, governments reported only the final budget along with the actual results of financial operations. Under GASB Statement 34, the budgetary comparison must now include the original budget, the final budget, and the actual results of financial operations for the general and major special revenue funds.

Basis of Budgeting and GAAP Reporting

The LEA's accounting system must make it possible to:

1. Present fairly and with full disclosure the financial position and results of financial operations of the governmental unit in conformity with GAAP.
2. Determine and demonstrate compliance with finance-related legal requirements.

Generally, for California LEAs the basis of budgeting should be the same as the basis of accounting used in the audited financial statements.

Budgetary accounting must conform to the account codes in the standardized account code structure. For simplicity, the illustrations used in this procedure show budgetary accounting entries at only the object level.

Recording Budgeted Revenues

The adopted budget provides the information for recording budgeted revenues in the general ledger in the budgetary account, Estimated
Revenue (9810). Each item of estimated revenue should be accounted for separately so that revenue surpluses or deficiencies are readily monitored.

The following is a sample posting of $1 million of budgeted revenues at the object level:

**Estimated Revenue**

8010–8099 Revenue Limit Sources  
8011 Revenue Limit State Aid—Current Year ........... $475,000  
8041 Secured Roll Taxes ............................................ 350,000  
8042 Unsecured Roll Taxes ........................................ 50,000  

8100–8299 Federal Revenue  
8110 Maintenance and Operations (PL 81-874) ........... 25,000  
8290 All Other Federal Revenue ................................. 5,000  

8300–8599 Other State Revenue  
8311 Other State Apportionments—Current Year ..... 20,000  
8560 State Lottery Revenue ................................. 25,000  

8600–8799 Other Local Revenue  
8799 Other Transfers In from All Others ............... 50,000  

Total Estimated Revenue ................................. $1,000,000

The total of the estimated revenue entered in the subsidiary ledger must agree with the total of the general ledger budgetary account, Estimated Revenue (9810). The same journal entry is posted to both the subsidiary ledger and the general ledger.

Preparing the Journal Entry. The general ledger and subsidiary ledger accounts and the amounts for each are listed in the journal entry as a record of the estimated revenue, as illustrated in the following example:
Procedure 210  Budgetary Accounting

J2

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>Estimated Revenue</td>
<td>9810</td>
<td>$1,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unassigned/Unappropriated</td>
<td>9790</td>
<td></td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Subsidiary Revenue Ledger

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>(Budgeted amounts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8011</td>
<td>Revenue Limit State Aid—Current Year</td>
<td>$ 475,000</td>
</tr>
<tr>
<td>8041</td>
<td>Secured Roll Taxes</td>
<td>350,000</td>
</tr>
<tr>
<td>8042</td>
<td>Unsecured Roll Taxes</td>
<td>50,000</td>
</tr>
<tr>
<td>8110</td>
<td>Maintenance and Operations (Public Law 81-874)</td>
<td>25,000</td>
</tr>
<tr>
<td>8290</td>
<td>All Other Federal Revenue</td>
<td>5,000</td>
</tr>
<tr>
<td>8311</td>
<td>Other State Apportionments—Current Year</td>
<td>20,000</td>
</tr>
<tr>
<td>8560</td>
<td>State Lottery Revenue</td>
<td>25,000</td>
</tr>
<tr>
<td>8799</td>
<td>Other Transfers In from All Others</td>
<td>50,000</td>
</tr>
</tbody>
</table>

$ 1,000,000

To record estimated revenue as contained in the adopted budget.

Entry J2 is a general journal entry and also carries the information needed to post to the subsidiary ledger (the subsidiary revenue ledger).

The single postings to the individual revenue ledger accounts represent the breakdown of the total shown in the estimated revenue (general ledger) account.

Posting to the General Ledger. The journal entry for recording the approved budget is posted to the general ledger, as the following examples illustrate. For purposes of this example, assume that a J1 entry for $92,981.78 representing the prior year balance brought forward has already been made.

Account 9810  Estimated Revenue

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref #</th>
<th>Debit</th>
<th>Credit</th>
<th>Balance</th>
<th>Dr/Cr</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>J2</td>
<td>$1,000,000</td>
<td></td>
<td>$1,000,000</td>
<td>Dr</td>
</tr>
</tbody>
</table>

Account 9790  Unassigned/Unappropriated Fund Balance

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref #</th>
<th>Debit</th>
<th>Credit</th>
<th>Balance</th>
<th>Dr/Cr</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>J1</td>
<td>$92,981.78</td>
<td>$92,981.78</td>
<td>$92,981.78</td>
<td>Cr</td>
</tr>
</tbody>
</table>
Procedure 210  Budgetary Accounting

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref #</th>
<th>Estimated revenue</th>
<th>Amounts received</th>
<th>Total received to date</th>
<th>Estimated to be received</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>J2</td>
<td>$350,000</td>
<td>$350,000</td>
<td>$350,000</td>
<td></td>
</tr>
</tbody>
</table>

Posting the Subsidiary Ledger. The subsidiary revenue ledger is posted from the detailed breakdown shown in the journal entry. Each account is posted to show the amounts carried in the journal entry in the "Estimated revenue" and "Estimated to be received" columns.

Revenue Ledger

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Date</th>
<th>Ref #</th>
<th>Estimated revenue</th>
<th>Amounts received</th>
<th>Total received to date</th>
<th>Estimated to be received</th>
</tr>
</thead>
<tbody>
<tr>
<td>8041</td>
<td>Secured Roll Taxes</td>
<td>7-1-xx</td>
<td>J2</td>
<td>$350,000</td>
<td>$350,000</td>
<td>$350,000</td>
<td></td>
</tr>
</tbody>
</table>

Each revenue subsidiary ledger account is similarly posted.

Recording Budgeted Expenditures

Estimated expenditure values, like estimated revenue values, are taken from the adopted budget, as illustrated in the example that follows:

1000–1999  Certificated Personnel Salaries

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Certificated Teachers' Salaries</td>
<td>$300,000</td>
</tr>
<tr>
<td>1200</td>
<td>Certificated Pupil Support Salaries</td>
<td>50,000</td>
</tr>
<tr>
<td>1300</td>
<td>Certificated Supervisors' and Administrators' Salaries</td>
<td>150,000</td>
</tr>
<tr>
<td>1900</td>
<td>Other Certificated Salaries</td>
<td>25,000</td>
</tr>
<tr>
<td></td>
<td>Total Certificated Personnel Salaries</td>
<td>$525,000</td>
</tr>
</tbody>
</table>

2000–2999  Classified Personnel Salaries

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2100</td>
<td>Classified Instructional Salaries</td>
<td>$125,000</td>
</tr>
<tr>
<td>2200</td>
<td>Classified Support Salaries</td>
<td>15,000</td>
</tr>
<tr>
<td>2300</td>
<td>Classified Supervisors' and Administrators' Salaries</td>
<td>10,000</td>
</tr>
<tr>
<td>2400</td>
<td>Clerical, Technical, and Office Staff Salaries</td>
<td>5,000</td>
</tr>
<tr>
<td>2900</td>
<td>Other Classified Salaries</td>
<td>20,000</td>
</tr>
<tr>
<td></td>
<td>Total Classified Personnel Salaries</td>
<td>$175,000</td>
</tr>
</tbody>
</table>

3000–3999  Employee Benefits

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>3101</td>
<td>State Teachers' Retirement System, certificated positions</td>
<td>$25,000</td>
</tr>
<tr>
<td>3201</td>
<td>Public Employees' Retirement System, certificated positions</td>
<td>15,000</td>
</tr>
<tr>
<td>3301</td>
<td>OASDI/Medicare/Alternative, certificated positions</td>
<td>10,000</td>
</tr>
<tr>
<td>3401</td>
<td>Health &amp; Welfare Benefits, certificated positions</td>
<td>30,000</td>
</tr>
</tbody>
</table>

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3501  State Unemployment Insurance, certificated positions  5,000
3601  Workers' Compensation Insurance, certificated positions  10,000
3901  Other Benefits, certificated positions  5,000
Total Employee Benefits  $100,000

4000–4999  Books and Supplies
4100  Approved Textbooks and Core Curricula Materials  $5,000
4200  Books and Other Reference Materials  3,500
4300  Materials and Supplies  500
4400  Noncapitalized Equipment  1,000
Total Books and Supplies  $10,000

5000–5999  Services and Other Operating Expenditures
5200  Travel and Conferences  300
5300  Dues and Memberships  200
5400  Insurance  10,000
5500  Operations and Housekeeping Services  5,000
5600  Rentals, Leases, Repairs, and Noncapitalized Improvements  4,500
5800  Professional/Consulting Services and Operating Expenditures  5,000
Total Services and Other Operating Expenditures  $25,000

6000–6999  Capital Outlay
6100  Land  $25,000
6200  Buildings and Improvement of Buildings  22,500
6300  Books & Media for New/Major Expansion of School Libraries  1,500
6400  Equipment  26,000
Total Capital Outlay  $75,000

7000–7499  Other Outgo
7141  Other Tuition, Excess Costs, and/or Deficit Payments to School Districts  $40,000
Total Other Outgo  $40,000

Total Budgeted Expenditures  $950,000

Each budgeted expenditure item should be accounted for separately so that expenditures can be controlled within the various budget classifications. This separate accounting may be accomplished by use of a subsidiary ledger usually known as the appropriation ledger. While separate accounts should be maintained for each of the required expenditure classifications, additional subdivisions of these classes may be maintained as separate accounts if needed.
Procedure 210  Budgetary Accounting

The approved expenditure budget is subject to later adjustment as expenditure estimates change.

Preparing the Journal Entry. Total budgeted expenditures of $950,000 represent the total appropriation allotted for programs. In SACS, the goal and function codes provide a classification of expenditure usage, and the object provides a classification of expenditure type. The journal entry is shown in the following example:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>Unassigned/Unappropriated Appropriations</td>
<td>9790</td>
<td>$950,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9820</td>
<td>$950,000</td>
</tr>
</tbody>
</table>

Subsidiary Appropriation Ledger

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Certificated Teachers' Salaries</td>
</tr>
<tr>
<td>1200</td>
<td>Certificated Pupil Support Salaries</td>
</tr>
<tr>
<td>1300</td>
<td>Certificated Supervisors' and Administrators' Salaries</td>
</tr>
<tr>
<td>1900</td>
<td>Other Certificated Salaries</td>
</tr>
<tr>
<td>2100</td>
<td>Classified Instructional Salaries</td>
</tr>
<tr>
<td>2200</td>
<td>Classified Support Salaries</td>
</tr>
<tr>
<td>2300</td>
<td>Classified Supervisors' and Administrators' Salaries</td>
</tr>
<tr>
<td>2400</td>
<td>Clerical, Technical, and Office Staff Salaries</td>
</tr>
<tr>
<td>2900</td>
<td>Other Classified Salaries</td>
</tr>
<tr>
<td>3101</td>
<td>State Teachers' Retirement System, certificated positions</td>
</tr>
<tr>
<td>3201</td>
<td>Public Employees' Retirement System, certificated positions</td>
</tr>
<tr>
<td>3301</td>
<td>OASDI/Medicare/Alternative, certificated positions</td>
</tr>
<tr>
<td>3401</td>
<td>Health &amp; Welfare Benefits, certificated positions</td>
</tr>
<tr>
<td>3501</td>
<td>State Unemployment Insurance, certificated positions</td>
</tr>
<tr>
<td>3601</td>
<td>Workers' Compensation Insurance, certificated positions</td>
</tr>
<tr>
<td>3901</td>
<td>Other Benefits, certificated positions</td>
</tr>
<tr>
<td>4100</td>
<td>Approved Textbooks and Core Curricular Materials</td>
</tr>
<tr>
<td>4200</td>
<td>Books and Reference Materials</td>
</tr>
<tr>
<td>4300</td>
<td>Materials and Supplies</td>
</tr>
<tr>
<td>4400</td>
<td>Noncapitalized Equipment</td>
</tr>
<tr>
<td>5200</td>
<td>Travel and Conferences</td>
</tr>
<tr>
<td>5300</td>
<td>Dues and Memberships</td>
</tr>
<tr>
<td>5400</td>
<td>Insurance</td>
</tr>
<tr>
<td>5500</td>
<td>Operations and Housekeeping Services</td>
</tr>
<tr>
<td>5600</td>
<td>Rentals, Leases, Repairs, and Noncapitalized Improvements</td>
</tr>
<tr>
<td>5800</td>
<td>Professional/Consulting Services and Operating Expenditures</td>
</tr>
</tbody>
</table>
Procedure 210  Budgetary Accounting

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6100</td>
<td>Land</td>
<td>25,000</td>
</tr>
<tr>
<td>6200</td>
<td>Buildings and Improvement of Buildings</td>
<td>22,500</td>
</tr>
<tr>
<td>6300</td>
<td>Books and Media for New School Libraries or Major Expansion of School Libraries</td>
<td>1,500</td>
</tr>
<tr>
<td>6400</td>
<td>Equipment</td>
<td>26,000</td>
</tr>
<tr>
<td>7141</td>
<td>Other Tuition, Excess Costs, and/or Deficit Payments to School Districts</td>
<td>40,000</td>
</tr>
</tbody>
</table>

To record estimated expenditures as contained in the adopted budget.

The journal entry for appropriations is similar to the one recording estimated revenue except that the total appropriations are debited to the fund balance account (9790) instead of being credited. The total appropriations for all accounts in the subsidiary appropriation ledger must agree with the balance in the general ledger control account, Appropriations (9820).

**Posting to the General Ledger.** The journal entry recording the approved appropriations is posted to the general ledger in the same manner as the entry recording estimated revenue, as illustrated in these examples:

<table>
<thead>
<tr>
<th>Account 9790</th>
<th>Unassigned/Unappropriated Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J1</td>
</tr>
<tr>
<td></td>
<td>J2</td>
</tr>
<tr>
<td></td>
<td>J3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account 9820</th>
<th>Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J3</td>
</tr>
</tbody>
</table>

Note that the debit to the fund balance account has been subtracted from the previous credit balance to produce a new credit balance of $142,981.78. The remaining Unassigned/Unappropriated Fund Balance represents the prior year balance of $92,981.78 plus the $50,000 operating surplus from the current budget.

**Posting to the Subsidiary Ledger.** The journal entry is posted to the subsidiary appropriation ledger in a manner similar to that used for posting estimated revenue, as shown in this example:
The subsidiary appropriation ledger has additional columns for entering encumbrances in addition to expenditures. The amount appropriated for this account has been entered in the "Appropriation" column and again in the "Unencumbered Balance" column. As amounts are later entered in the "Encumbrances" column or "Expended" column, the "Unencumbered Balance" column will be adjusted accordingly.

**Recording Budgeted Components of Fund Balance**

In governmental funds, the difference between assets and liabilities is reported as fund balance. Fund balance is divided into five classifications: nonspendable, restricted, committed, assigned and unassigned. The separation of fund balance into these components is important to LEAs because it provides information on the funds available to cover unanticipated expenditures.

Nonspendable fund balance (objects 9710 – 9719) is the portion that is not available for expenditure because it is not in spendable form or is legally or contractually required to remain intact. For example, Stores, Prepaid Expenditures, and Revolving Cash are not available for spending, so the portion of fund balance represented by these items must be classified as nonspendable.

Restricted fund balance (objects 9730 – 9749) is the portion that is subject to externally imposed or legally enforceable constraints by external resource providers or through constitutional provisions or enabling legislation.

Committed fund balance (objects 9750 – 9769) is the portion in which the use is constrained by limitations imposed by the LEA through formal action of its highest level of decision-making authority. It would include amounts set aside pursuant to an economic stabilization arrangement only if the arrangement were more formal than the reserve for economic uncertainties recommended by the Criteria and Standards for Fiscal Solvency.
Assigned fund balance (objects 9770 – 9788) is the portion intended to be used for specific purposes but for which the constraints do not meet the criteria to be reported as restricted or committed.

Unassigned fund balance (9789 – 9790) is the portion not classified as nonspendable, restricted, committed or assigned in the general fund. It includes the amount identified by the governing board as reserved for economic uncertainties, pursuant to the Criteria and Standards for Fiscal Solvency, which is recorded using Object 9789.

Refer to Procedure 330 for more detailed definitions of the ending fund balance object codes.

Assuming that the budget shows $50,000 Reserve for Economic Uncertainties and $9,400 for Stores, the following journal entry will be prepared:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>Unassigned/Unappropriated</td>
<td>9790</td>
<td>$59,400.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nonspendable Stores</td>
<td>9712</td>
<td></td>
<td>$9,400.00</td>
</tr>
<tr>
<td></td>
<td>Reserve for Economic Uncertainties</td>
<td>9789</td>
<td></td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>

To record Nonspendable Stores and Reserve for Economic Uncertainties, as contained in the adopted budget.

The journal entry is then posted to the general ledger.

<table>
<thead>
<tr>
<th>Account 9790</th>
<th>Unassigned/Unappropriated Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J1</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J2</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J3</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account 9712</th>
<th>Nonspendable Stores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J4</td>
</tr>
</tbody>
</table>
Procedure 210  Budgetary Accounting

**Account 9789 Reserve for Economic Uncertainties**

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref #</th>
<th>Debit</th>
<th>Credit</th>
<th>Balance</th>
<th>Dr/Cr</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>J4</td>
<td>$50,000.00</td>
<td></td>
<td>$50,000.00</td>
<td>Cr</td>
</tr>
</tbody>
</table>

**Checking the Trial Balance**

At this point the general ledger has been opened and the adopted budget recorded. The next step is to complete a trial balance to ensure that the journal entries made in integrating the budget with the general ledger are in balance. The trial balance lists the general ledger accounts and their balances. The total debits and the total credits must be equal, indicating a balanced general ledger. Taking into account the journal entries made so far, plus a few not specifically shown, the trial balance at this point should look like this:

<table>
<thead>
<tr>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in County Treasury</td>
<td>9110</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Accounts Payable (Current Liabilities)</td>
<td>9500</td>
<td></td>
<td>$ 7,018</td>
</tr>
<tr>
<td>Nonspendable Stores</td>
<td>9712</td>
<td></td>
<td>9,400</td>
</tr>
<tr>
<td>Reserve for Economic Uncertainties</td>
<td>9789</td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>Unassigned/Unappropriated</td>
<td>9790</td>
<td></td>
<td>83,582</td>
</tr>
<tr>
<td>Estimated Revenue</td>
<td>9810</td>
<td>1,000,000</td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>9820</td>
<td></td>
<td>950,000</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td>$1,100,000</td>
<td>$1,100,000</td>
</tr>
</tbody>
</table>

**Recording Encumbrances**

An *encumbrance* is a commitment in the form of a purchase order or offer to buy goods or services. The encumbrance account is a budgetary account that is used to prevent overspending of an appropriation.

**Encumbrances for Purchases**

A purchase generally involves the following steps:

1. Initiation of a purchase requisition. The purchase requisition is the internal document authorizing the issuance of a purchase order for...
Procedure 210  Budgetary Accounting

the desired goods or services. The purchase requisition is generally approved by a budget manager or administrator responsible for budgets and becomes the basis for the generation of a purchase order, a legal contract with the vendor for goods or services. Generally, no accounting transaction is recorded for purchase requisitions in the general or subsidiary ledgers unless a pre-encumbrance system is used.

2. Issuance of a purchase order. If funds are available and the requisition is for an appropriate expenditure, the LEA issues a purchase order to the selected vendor. Upon issuance of a purchase order, an accounting transaction is recorded, debiting the Encumbrances account (9830) and crediting the Reserve for Encumbrances account (9720) for the amount authorized in the purchase order.

3. Receipt of the goods or services. An invoice may accompany the product or may be sent separately. Generally, no accounting transaction is recorded at this point.

4. Payment of the invoice. An accounting transaction is recorded whereby the original encumbrance entry is reversed, the expenditure account is debited, and the cash account is credited.

A sample purchase order is shown as follows:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Unit</th>
<th>Item</th>
<th>Unit price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000</td>
<td>Ream</td>
<td>Newsprint</td>
<td>$ 0.60</td>
<td>$ 600.00</td>
</tr>
<tr>
<td>100</td>
<td>Gross</td>
<td>#2 school pencils</td>
<td>3.00</td>
<td>300.00</td>
</tr>
<tr>
<td>300</td>
<td>Box</td>
<td>Crayons</td>
<td>0.30</td>
<td>90.00</td>
</tr>
</tbody>
</table>

$ 990.00
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Most financial software programs will automatically enter an encumbrance in the appropriation ledger and the general ledger upon the creation of a purchase order. A report on outstanding encumbrances would look like the following:

<table>
<thead>
<tr>
<th>Vendor's name</th>
<th>Appropriation account number</th>
<th>Date</th>
<th>Purchase order number</th>
<th>Amount of encumbrance</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Computer Company</td>
<td>4400</td>
<td>7-1-xx</td>
<td>1</td>
<td>$ 810.00</td>
</tr>
<tr>
<td>Student Supply Company</td>
<td>4300</td>
<td>7-1-xx</td>
<td>2</td>
<td>$ 990.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$ 1,800.00</td>
</tr>
</tbody>
</table>

The following journal entry records the encumbrance information:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>Encumbrances</td>
<td>9830</td>
<td>$1,800.00</td>
<td>$1,800.00</td>
</tr>
<tr>
<td></td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subsidiary Appropriation Ledger

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>4300</td>
<td>Materials and Supplies</td>
</tr>
<tr>
<td>4400</td>
<td>Noncapitalized Equipment</td>
</tr>
</tbody>
</table>

To record purchase order encumbrances for July, xxxx.

The posting of the Materials and Supplies (Object 4300) item to the account in the subsidiary appropriation ledger is illustrated as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref #</th>
<th>Appropriation</th>
<th>Encumbrances</th>
<th>Encumbered to Date</th>
<th>Expended to Date</th>
<th>Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>J7</td>
<td>$2,500.00</td>
<td>$990.00</td>
<td>$990.00</td>
<td>$1,510.00</td>
<td></td>
</tr>
</tbody>
</table>

Encumbrance Adjustments—Purchases

An encumbrance must be adjusted or canceled when payments to vendors or other expenditures are recorded. If a purchase order was originally encumbered for $100 but the actual payment was $99.50, the original $100 encumbrance is canceled. Partial payments on an order are liquidated.
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in the same amount as originally encumbered for items being paid, and the balance of the encumbrance is canceled when the final payment is made. Depending on the encumbrance method being used, the adjustments or liquidations are posted either directly from the purchase order or from a Purchase Order Liquidation Summary listing the purchase orders being paid.

With some systems it is more practical to cancel all encumbrances related to a purchase order and to re-encumber only that part of the order that is outstanding after the paid items have been deleted. If an encumbrance amount is canceled or changed because items ordered are unavailable or prices are changed, the adjustment is recorded in the same manner as that for routine adjustments or cancelations following payments.

Preparing the Journal Entry. The journal entry to record encumbrance adjustments shows the general ledger and subsidiary ledger accounts and the amounts for each, as shown in the following example:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-31-xx Reserve for Encumbrances</td>
<td>9720</td>
<td>$5,435</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encumbrances</td>
<td>9830</td>
<td>$5,435</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subsidiary Appropriation Ledger

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4100</td>
<td>Approved Textbooks and Core Curricula Materials</td>
<td>$350.00</td>
</tr>
<tr>
<td>4300</td>
<td>Materials and Supplies</td>
<td>475.00</td>
</tr>
<tr>
<td>4400</td>
<td>Noncapitalized Equipment</td>
<td>810.00</td>
</tr>
<tr>
<td>5500</td>
<td>Operations and Housekeeping Services</td>
<td>1,300.00</td>
</tr>
<tr>
<td>6200</td>
<td>Buildings and Improvement of Buildings</td>
<td>2,500.00</td>
</tr>
</tbody>
</table>

To record encumbrance cancelations (other than salaries) for the month of August.

California School District
Warrant Register Number 1

<table>
<thead>
<tr>
<th>Warrant Number</th>
<th>Vendor</th>
<th>Expenditure Classification</th>
<th>Date: August 31, xxxx</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aldrich &amp; Aldrich</td>
<td>4300</td>
<td>$48.06</td>
</tr>
<tr>
<td>2</td>
<td>American Book Company</td>
<td>4100</td>
<td>350.00</td>
</tr>
<tr>
<td>3</td>
<td>Best Music Company</td>
<td>4300</td>
<td>210.00</td>
</tr>
<tr>
<td>4</td>
<td>E.P. Finigan Company</td>
<td>6200</td>
<td>2,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Pacific Gas &amp; Electric Company</td>
<td>5500</td>
<td>700.00</td>
</tr>
</tbody>
</table>
Procedure 210  Budgetary Accounting

6. Pacific Bell .................................................................5500  600.00
7. Taylor’s School Supplies ..................................................4300  216.94
8. J. Computer Company .....................................................4400  810.00

Total .................................................................................. $5,435.00

Expenditure Classification Summary

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Encumbered to Date</th>
<th>Expended to Date</th>
<th>Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4100</td>
<td>Approved Textbooks and Core Curricula Materials</td>
<td>$350.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4300</td>
<td>Materials and Supplies</td>
<td>475.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4400</td>
<td>Noncapitalized Equipment</td>
<td>810.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5500</td>
<td>Operations and Housekeeping Services</td>
<td>1,300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6200</td>
<td>Buildings and Improvement of Buildings</td>
<td>2,500.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This journal entry for encumbrance cancelations is posted to the general ledger in the usual manner.

Posting to the Appropriation Ledger. Entries in the subsidiary appropriation ledger are made in the "Encumbrances" column, as shown in the following examples:

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref #</th>
<th>Appropriation</th>
<th>Encumbrances</th>
<th>Encumbered to Date</th>
<th>Expended to Date</th>
<th>Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-01-xx</td>
<td>J3</td>
<td>$1,000.00</td>
<td>$810.00</td>
<td>$810.00</td>
<td>0.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J7</td>
<td>1,000.00</td>
<td>$810.00</td>
<td>$810.00</td>
<td>0.00</td>
<td>190.00</td>
</tr>
<tr>
<td>8-31-xx</td>
<td>J25</td>
<td>1,000.00</td>
<td>(810.00)</td>
<td>0.00</td>
<td>190.00</td>
<td></td>
</tr>
</tbody>
</table>

Encumbrances for Salaries and Benefits

Unlike purchases, for which an encumbrance is recorded at the time the purchase order is issued, the annual cost of salaries and benefits can be encumbered at the beginning of the fiscal year. Salaries and benefits are disencumbered when paid, and amounts encumbered should be adjusted for personnel and rate changes.

The salary encumbrance summary may differ in detail depending on the types of accounting software used. Basic requirements are a complete accounting for all personnel having salaries to be encumbered, a grouping of these salaries to provide monthly and annual totals by budget.
classifications, and provisions for recording changes in personnel and salaries.

The journal entries to record the salary encumbrance transactions are listed as follows:

### J12

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-xx</td>
<td>Encumbrances</td>
<td>9830</td>
<td>$350,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td></td>
<td>$350,000</td>
</tr>
</tbody>
</table>

**Subsidiary Appropriation Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Certificated Teachers' Salaries</td>
<td>$300,000</td>
</tr>
<tr>
<td>1200</td>
<td>Certificated Pupil Support Salaries</td>
<td>$50,000 $350,000</td>
</tr>
</tbody>
</table>

To encumber the annual salaries for certificated staff employed as of the beginning of the fiscal year.

### J13

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-15-xx</td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td>$48,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Encumbrances</td>
<td>9830</td>
<td></td>
<td>$48,000</td>
</tr>
</tbody>
</table>

**Subsidiary Appropriation Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Certificated Teachers' Salaries</td>
<td>$48,000</td>
</tr>
</tbody>
</table>

To reverse the encumbrance for the annual salary for Betty Bennett, who resigned on July 15.

### J14

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-20-xx</td>
<td>Encumbrances</td>
<td>9830</td>
<td>$36,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td></td>
<td>$36,000</td>
</tr>
</tbody>
</table>

**Subsidiary Appropriation Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
</tr>
</thead>
</table>
Procedure 210  Budgetary Accounting

1100  Certificated Teachers' Salaries  $36,000

To encumber the annual salary for Ted Thompson, a new employee hired on July 20.

The posting of the preceding entries to the general ledger is as follows:

<table>
<thead>
<tr>
<th>Account 9830</th>
<th>Encumbrances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J7</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J12</td>
</tr>
<tr>
<td>7-15-xx</td>
<td>J13</td>
</tr>
<tr>
<td>7-20-xx</td>
<td>J14</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account 9720</th>
<th>Reserve for Encumbrances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J7</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J12</td>
</tr>
<tr>
<td>7-15-xx</td>
<td>J13</td>
</tr>
<tr>
<td>7-20-xx</td>
<td>J14</td>
</tr>
</tbody>
</table>

The posting of the Certificated Teachers' Salaries account to the subsidiary appropriation ledger is illustrated as follows:

<table>
<thead>
<tr>
<th>Appropriation Ledger</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account 1100</td>
</tr>
<tr>
<td>Date</td>
</tr>
<tr>
<td>7-01-xx</td>
</tr>
<tr>
<td>7-15-xx</td>
</tr>
<tr>
<td>7-20-xx</td>
</tr>
</tbody>
</table>

In the preceding illustration it has been assumed that the changes in personnel were made prior to payment of any payroll in that year. It is important, however, that encumbrances be reduced by the unpaid installments of the annual salaries of personnel leaving the payroll and increased for the unpaid installments of personnel being added to the payroll.

Encumbrance Adjustments—Salaries
The amount of encumbrance to be adjusted or canceled when salary payments are made is the same amount that is being paid, provided such amounts have been encumbered. This procedure will leave the proper balance of encumbrance for each succeeding month if there is no change in rate of pay.

Further adjustment is necessary for changes of contracts, terminations, and the like. It is generally preferable to cancel the exact amount of the payroll posting and to pick up additional adjustments in a separate posting from a list of changes. For example, payroll expenditures of $300,000 were originally encumbered for annual teachers' salaries. A payroll expenditure of $25,000 represents the regular monthly payroll for teachers' salaries encumbered for the year. An employee was terminated in July and received less than a full month's salary. The difference between the amount encumbered for that teacher, $4,000, and the amount paid and liquidated, $3,000, represents a cancelation of $1,000 to encumbrances for July in addition to the encumbrance for the rest of the year for that teacher, $44,000 ($4,000 x 11 months), or a total cancelation of encumbrances in the amount of $45,000. The person replacing this employee was paid $1,000 in July and will earn $33,000 for the rest of the year. The additional total encumbrance is $34,000. The net change in encumbrances for these personnel transactions was a net reduction of $11,000.

In some systems, it is more practical to cancel all encumbrances for salaries at the time payroll expenditures are posted and to re-encumber the adjusted amounts for the remainder of the year.

Preparing the Journal Entry. The journal entry to record encumbrance adjustments lists the general ledger and subsidiary ledger accounts and the amounts for each, as shown in the following example:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-31-xx</td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td>25,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reserve for Encumbrances</td>
<td>9720</td>
<td>11,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Encumbrances</td>
<td>9830</td>
<td>25,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Encumbrances</td>
<td>9830</td>
<td>11,000</td>
<td></td>
</tr>
</tbody>
</table>

**Subsidiary Appropriation Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
</tr>
</thead>
</table>
Procedure 210  Budgetary Accounting

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Certificated Teachers' Salaries</td>
<td>$36,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1200</td>
<td>Certificated Pupil Support Salaries</td>
<td>$40,166</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record salary encumbrance liquidations and adjustments for the month of July.

*Posting to the General Ledger.* The journal entry for salary encumbrance cancelations and adjustments is posted to the general ledger in the usual manner.

*Posting to the Appropriation Ledger.* Entries in the subsidiary appropriation ledger are made in the "Encumbrances" column as in the following example:

**Appropriation Ledger**

<table>
<thead>
<tr>
<th>Account 1100</th>
<th>Certificated Teachers' Salaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J3</td>
</tr>
<tr>
<td>7-01-xx</td>
<td>J12</td>
</tr>
<tr>
<td>7-15-xx</td>
<td>J13</td>
</tr>
<tr>
<td>7-20-xx</td>
<td>J14</td>
</tr>
<tr>
<td>7-30-xx</td>
<td>J18</td>
</tr>
</tbody>
</table>

The control account Encumbrances in the general ledger can be reconciled by adding the totals of the "Encumbered to Date" column in each of the subsidiary appropriation ledger accounts.

**Appropriation Ledger**

<table>
<thead>
<tr>
<th>Account 1200</th>
<th>Certificated Pupil Support Salaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Ref #</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J3</td>
</tr>
<tr>
<td>7-1-xx</td>
<td>J12</td>
</tr>
</tbody>
</table>

**Recording Adjustments to the Budget**

**Adjustments to Estimated Revenues**

When an LEA learns that its revenue will exceed the original estimate in the adopted budget, a new estimate of revenue is made, and the increase is
Procedure 210  Budgetary Accounting

recorded in both the general ledger and the revenue ledger. The increase in estimated revenue is recorded as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-31-xx</td>
<td>Estimated Revenue</td>
<td>9810</td>
<td>$1,100.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unassigned/Unappropriated Fund Balance</td>
<td>9790</td>
<td></td>
<td>$1,100.00</td>
</tr>
</tbody>
</table>

**Subsidiary Revenue Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>Debit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8311</td>
<td>Other State Apportionments—Current Year</td>
<td>$1,100.00</td>
</tr>
</tbody>
</table>

To record revised estimate of Economic Impact Aid.

This entry increases the estimated revenue in the general ledger and in the revenue ledger. It also increases the amount available for appropriation. Note that the entry simply records the amount available for appropriation. Actual appropriations may be made by governing board action only as prescribed in *Education Code* sections 42602 and 42610.

When a revised revenue estimate indicates a decrease in the amount of estimated receipts, the decrease is recorded in a similar manner, as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-31-xx</td>
<td>Unassigned/Unappropriated Fund Balance</td>
<td>9790</td>
<td>$1,100.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Estimated Revenue</td>
<td>9810</td>
<td></td>
<td>$1,100.00</td>
</tr>
</tbody>
</table>

**Subsidiary Revenue Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>Debit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8311</td>
<td>Other State Apportionments—Current Year</td>
<td>$1,100.00</td>
</tr>
</tbody>
</table>

To record revised estimate of Economic Impact Aid.

Adjustments to Appropriations

The law provides that amounts budgeted in each major expenditure classification shall be the maximum amount that can be expended under that expenditure classification. During the fiscal year, budgets are monitored to ensure that appropriations are not overspent. Revisions to a
major expenditure classification are subject to approval by the school district's governing board.

With the standardized account code structure (SACS), school districts are able to exercise more detailed levels of control over their budgets. For example, budget controls are typically set at the resource level to demonstrate compliance with a governing board policy that requires that categorical program budgets be balanced and do not encroach on the unrestricted general fund budget.

Except when a revised appropriation budget has been adopted, adjustments involving changes among current appropriations will have no net effect on the general ledger's balances. The changes will affect only the appropriation ledger because the total amount appropriated is not changed but is simply redistributed among the appropriations accounts.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-30-xx</td>
<td>Appropriations</td>
<td>9820</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
<td>9820</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subsidiary Appropriation Ledger**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Object Title</th>
<th>$500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>6400</td>
<td>Equipment</td>
<td></td>
</tr>
</tbody>
</table>

To record appropriations transfers adopted on 10-30-xx.
Procedure 210  Budgetary Accounting

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Procedure 215  Audit Adjustments

Audit adjustments as used in this section are those adjustments made to the financial statements as a result of the LEA's independent audit. They are made after the general ledger is closed but before the audited financial statements are issued. Audit adjustments relating to revenues or expenditures are posted to the general ledger in the fiscal year subsequent to the audit year as adjustments to the beginning fund balance using Object 9793, Audit Adjustments.

Reaching Agreement on Audit Adjustments

At the completion of the audit, the auditors must meet with the management of the LEA to discuss any proposed audit adjustments. It is the responsibility of the LEA to prepare all of the financial statements, notes, and schedules that are the subject of the audit. Even if these are prepared for the LEA by the auditors, they remain the responsibility of the LEA. Therefore, the LEA must agree to any adjustments identified by the auditors before the adjustments are made to the financial statements.

One of the main factors in determining whether a proposed audit adjustment should be made is the materiality of the amount. Materiality has been defined in accounting literature as "of substantial importance, of great consequence, pertinent or essential to, likely to influence." However, there is no definitive rule for determining whether a given item is material. An item material to one LEA may not be material to another. Determining materiality requires informed judgment based on the particular facts in each set of circumstances.

- One way of determining materiality is by comparing the amount of the adjustment with the fund balance, revenues, or expenditures. The following example illustrates this point:
Procedure 215 Audit Adjustments

Assume that in the general fund, the fund balance at 6-30-xx is $600,000, as follows:

<table>
<thead>
<tr>
<th>Fund Balance</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricted Fund Balance</td>
<td>$440,000</td>
</tr>
<tr>
<td>Unassigned Fund Balance</td>
<td>$160,000</td>
</tr>
<tr>
<td>Total Fund Balance</td>
<td>$600,000</td>
</tr>
</tbody>
</table>

A. If the auditors find that accounts payable has been understated by $80,000, they will propose the following entry be made to the financial statements:

   DR Expenditures $80,000
   CR Accounts Payable $80,000

   This is clearly a material adjustment because it will reduce the unassigned fund balance by 50 percent.

B. If the auditors find that accounts receivable has been overstated by $3,000, this adjustment would not be made to the financial statements because in this instance it does not significantly affect the unassigned fund balance.

If there is disagreement about whether an item is material, it is reasonable to expect the auditors to explain why they believe the adjustment is significant. If the LEA's management is not convinced that the item meets the definition of materiality or other criteria for adjustments, it does not have to agree to the adjustment to the financial statements.

If in the opinion of the auditors an adjustment item is material but the management of the LEA does not agree that it should be posted to the financial statements, the auditors may modify their opinion on the financial statements to a "qualified" or "adverse" opinion, depending on the significance of the item as determined by the auditors.

• After agreement has been reached on the adjustments to be incorporated into the financial statements, the auditors or the LEA will prepare the audited financial statements. One of the schedules in the annual audit report is the "Reconciliation of Annual Financial and Budget Report with Audited Financial Statements."

A sample of this schedule is shown on page 215-4. This schedule shows the impact of the audit adjustments on the fund balance.

The LEA and the auditors have the following responsibilities in relation to the audit adjustments:
Procedure 215  Audit Adjustments

<table>
<thead>
<tr>
<th>The LEA</th>
<th>The Auditors</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review all audit adjustments proposed by the auditors.</td>
<td>1. Discuss all proposed audit adjustments with the management of the LEA.</td>
</tr>
<tr>
<td>2. Reach agreement with the auditors on the adjustments to be made to the financial statements.</td>
<td>2. Reach agreement with the management of the LEA on the adjustments that will be made to the financial statements.</td>
</tr>
<tr>
<td>3. Record in the following year's general ledger the audit adjustments agreed on.</td>
<td>3. Provide the LEA with a complete set of entries that support the &quot;Reconciliation of Annual Financial and Budget Report With Audited Financial Statements.&quot;</td>
</tr>
<tr>
<td>4. Provide information to the auditors on the disposition of the audit adjustments.</td>
<td></td>
</tr>
</tbody>
</table>

Suggested Steps for Booking Audit Adjustments

Once the audit adjustments are agreed on and the financial statements are prepared, the LEA can book the audit adjustments. To facilitate the process of booking the audit adjustments, the California Department of Education has developed a work sheet, "Schedule of Audit Adjustments to the _______ Fund." (The instructions for using this schedule are shown on page 215-12.)

The following steps should be followed by the LEA in booking the audit adjustments:

1. Obtain from the auditors a copy of the "Reconciliation of Annual Financial and Budget Report With Audited Financial Statements." This schedule, a required component of an LEA's audit report pursuant to Section 19815, Title 5, of the California Code of Regulations, shows in summary form the impact of the audit adjustments on the fund balance in each fund. (See the example at the end of these suggested steps. Notice that the schedule shows that there are audit adjustments in only two funds—the general fund and the cafeteria fund.)

2. Obtain from the auditors the detailed entries that support the summary entries on the "Reconciliation of Annual Financial and Budget Report with Audited Financial Statements." The detailed entries should show the account numbers. They are shown from the viewpoint that they are being made in the audit year, even
Procedure 215  Audit Adjustments

though by the time they are made the books have already been closed.

3. Review each detailed adjusting entry and determine whether any of the transactions or corrections for which the adjustments were made have already been booked in the current fiscal year. (See the table of "Common Audit Adjustments" on pages 215-7 through 215-11.)

4. Determine the entries needed in the current year's books to record the audit adjustments. Prepare a "Schedule of Audit Adjustments to the ________ Fund" for each fund with adjustments.

5. Post the entries to the books.

6. At the beginning of the audit of the current year's financial statements, provide to the auditors a copy of the "Schedule of Audit Adjustments to the ________ Fund" from the prior year's audit.

The following illustrates a sample reconciliation:

<table>
<thead>
<tr>
<th>Reconciliation of Annual Financial and Budget Report with Audited Financial Statements for Year Ended June 30, xxxx</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
</tr>
<tr>
<td>Fund balances per annual financial and budget report</td>
</tr>
<tr>
<td>Adjustments increasing (decreasing) fund balances:</td>
</tr>
<tr>
<td>Unaccrued salaries</td>
</tr>
<tr>
<td>Underaccrued accounts payable</td>
</tr>
<tr>
<td>Overaccrued accounts receivable</td>
</tr>
<tr>
<td>Fund balances per audited financial statement</td>
</tr>
</tbody>
</table>

There were no adjustments to fund balances for funds not presented above.

Audit Adjustments and Other Restatements of Fund Balance

As stated previously, audit adjustments affecting revenues and expenditures are recorded in Object 9793, Audit Adjustments. This account is an adjustment to the beginning fund balance. The prior year's
Procedure 215  Audit Adjustments

Adjustments are not made directly to Beginning Fund Balance, Object 9791, because this account must always equal the ending fund balance in the prior year.

Adjustments to the beginning fund balance other than those identified by the auditors must be recorded in Object 9795, Other Restatements. This account is used to correct material errors reported in a prior year's financial statements discovered after the completion of the audit. Any errors discovered by the LEA during the audit should be reported to the auditors for correction in the audited financial statements. Before posting any items to Object 9795, LEAs should consult with their independent auditors.

Object 9793 and Object 9795 are not used to record audit adjustments or restatements in standardized account code structure (SACS) resource codes that are subject to the deferred revenue method of revenue recognition, as there is no beginning fund balance to adjust. Rather, these adjustments are recorded to the appropriate asset, liability, revenue or expenditure accounts in offsetting amounts that have no effect on fund balance.

Common Audit Adjustments

The table of "Common Audit Adjustments" on pages 215-7 through 215-11 provides examples of common audit adjustments and the entries that should be made on the books of the LEA to record the adjustments. It is assumed that the books have been closed for the audit period and that the correcting entries shown in the third column are being made in the current fiscal year.

The following is a description of the three columns in the table of "Common Audit Adjustments":

1. **Audit Adjustments**
   This column shows the audit adjustments that have been proposed by the auditors, agreed to by the LEA, and reflected on the audited financial statements. Notice that the adjustments made by the auditors are made as if the books were still open.

2. **Processed Transactions**
**Procedure 215  Audit Adjustments**

This column shows the transactions related to the audit adjustments, which have been posted to the books (processed) by the LEA since the beginning of the current fiscal year, before the LEA agreed to the audit adjustments.

The processed transactions must be taken into account when preparing the entries needed on the books in the current year. For example:

Assume that the auditors determined that $10,000 in federal revenue should have been accrued but was not. The LEA agreed to the audit adjustment, and the following adjustment was made to the LEA's financial statements:

| DR | Accounts Receivable | $10,000 |
| CR | Revenue             | $10,000 |

When the LEA was ready to book the audit adjustment on October 1, 2003, it determined that it received the $10,000 on September 1, 2003. Since this revenue was not on the accounts receivable list, the LEA recorded it at that date as follows:

| DR | Cash       | $10,000 |
| CR | Revenue    | $10,000 |

If this processed transaction was not considered before booking the audit adjustment, the revenue would be recorded twice in the current year: once as an audit adjustment affecting the beginning fund balance and once as a credit to the current year's revenue.

*Note*: For purposes of the entries made in the "Processed Transactions" column, it is assumed that the reversal method is not used in the current year for accounts receivable and accounts payable accrued in the prior year and that the LEA credits and debits Accounts Receivable and Accounts Payable when these accruals are collected and paid, respectively, in the current year.

3. **Entries Needed on the LEA's Books**

This column shows the entries that are needed on the LEA's books to record the audit adjustment.

Notice in this column that when the audit adjustment affects a revenue or expenditure account, the LEA will post the adjustment to Object 9793, Audit Adjustments (which adjusts beginning fund balance) because the books for the year under audit have already been closed. Notice also that the entries made in this column take into account any processed transactions.
## Common Audit Adjustments

<table>
<thead>
<tr>
<th>Audit adjustments</th>
<th>Processed transactions</th>
<th>Entries needed on the LEA's books</th>
</tr>
</thead>
<tbody>
<tr>
<td>(made to the audited financial statements after the books for the audit year have been closed)</td>
<td>(made in the current fiscal year)*</td>
<td>(made in the current fiscal year)</td>
</tr>
<tr>
<td>1. The auditors determine that a receivable was not set up for a material amount ($15,000) of revenue earned as of 6/30/xx.</td>
<td>Assumption A: The revenue is received before the audit adjustment is booked. The LEA makes the following entry:</td>
<td>Assumption A: To book the audit adjustment:</td>
</tr>
<tr>
<td>DR Accounts Receivable $15,000</td>
<td>DR Cash $15,000</td>
<td>DR Accounts Receivable $15,000</td>
</tr>
<tr>
<td>CR Revenue $15,000</td>
<td>CR Revenue $15,000</td>
<td>CR Audit Adjustments $15,000</td>
</tr>
<tr>
<td></td>
<td>Assumption B: The revenue is not received before the audit adjustment is booked.</td>
<td>To correct the processed transaction:</td>
</tr>
<tr>
<td></td>
<td>–No Entry–</td>
<td>DR Revenue $15,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CR Accounts Receivable $15,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assumption B:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DR Accounts Receivable $15,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CR Audit Adjustments $15,000</td>
</tr>
</tbody>
</table>

*Entries made in this column assume that the reversal method is not used in the current year for accounts receivable and accounts payable accrued in the prior year and that the LEA credits and debits Accounts Receivable and Accounts Payable when these accruals are collected and paid, respectively, in the current year.*
## Common Audit Adjustments

<table>
<thead>
<tr>
<th>Audit adjustments (made to the audited financial statements after the books for the audit year have been closed)</th>
<th>Processed transactions (made in the current fiscal year)*</th>
<th>Entries needed on the LEA's books (made in the current fiscal year)</th>
</tr>
</thead>
</table>
| 2. The auditors determine that a receivable ($39,000) was overstated by $14,000 as of 6/30/xx. | Assumption A: The revenue is received before the audit adjustment is booked. The LEA makes the following entry:  
DR Revenue $14,000  
CR Accounts Receivable $14,000  
Assumption B: The revenue is not received before the audit adjustment is booked.  
–No Entry–  
*Entries made in this column assume that the reversal method is not used in the current year for accounts receivable and accounts payable accrued in the prior year and that the LEA credits and debits Accounts Receivable and Accounts Payable when these accruals are collected and paid, respectively, in the current year.  
Assumption A:  
To book the audit adjustment:  
DR Audit Adjustments $14,000  
CR Accounts Receivable $14,000  
To correct the processed transaction:  
DR Accounts Receivable $14,000  
CR Revenue $14,000  
Assumption B:  
DR Audit Adjustments $14,000  
CR Accounts Receivable $14,000 |
### Common Audit Adjustments

<table>
<thead>
<tr>
<th>Audit adjustments</th>
<th>Processed transactions</th>
<th>Entries needed on the LEA's books</th>
</tr>
</thead>
<tbody>
<tr>
<td>(made to the audited financial statements after the books for the audit year have been closed)</td>
<td>(made in the current fiscal year)*</td>
<td>(made in the current fiscal year)</td>
</tr>
<tr>
<td>3. The auditors determine that accounts payable ($10,000) was understated by $18,000.</td>
<td>Assumption A: The payable is liquidated before the audit adjustment is booked. The LEA makes the following entry:</td>
<td>Assumption A:</td>
</tr>
</tbody>
</table>
| DR Expenditures $18,000  
CR Accounts Payable $18,000 | DR Accounts Payable $10,000  
DR Expenditures $18,000  
CR Cash $28,000 | To book the audit adjustment:  |
| Assumption B: The payable is not liquidated before the audit adjustment is booked. | Assumption B:  |
| --No Entry-- | DR Audit Adjustments $18,000  
CR Accounts Payable $18,000 | To correct the processed transaction:  |
|  | DR Accounts Payable $18,000  
CR Expenditures $18,000 | Assumption B:  |
|  | DR Audit Adjustments $18,000  
CR Accounts Payable $18,000 | --No Entry-- |

* Entries made in this column assume that the reversal method is not used in the current year for accounts receivable and accounts payable accrued in the prior year and that the LEA credits and debits Accounts Receivable and Accounts Payable when these accruals are collected and paid, respectively, in the current year.
## Common Audit Adjustments

<table>
<thead>
<tr>
<th>Audit adjustments</th>
<th>Processed transactions</th>
<th>Entries needed on the LEA's books</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(made to the audited financial statements after the books for the audit year have been closed)</strong></td>
<td><strong>(made in the current fiscal year)</strong></td>
<td><strong>(made in the current fiscal year)</strong></td>
</tr>
<tr>
<td>4. The auditors determine that accounts payable ($20,000) was overstated by $9,000.</td>
<td>Assumption A: The payable is liquidated before the audit adjustment is booked. The LEA makes the following entry:</td>
<td>Assumption A: To book the audit adjustment:</td>
</tr>
<tr>
<td>DR Accounts Payable $9,000</td>
<td>DR Accounts Payable $20,000</td>
<td>DR Accounts Payable $9,000</td>
</tr>
<tr>
<td>CR Expenditures $9,000</td>
<td>CR Expenditures $9,000</td>
<td>CR Audit Adjustments $9,000</td>
</tr>
<tr>
<td></td>
<td>CR Cash $11,000</td>
<td></td>
</tr>
<tr>
<td>Assumption B: The payable is not liquidated before the audit adjustment is booked.</td>
<td></td>
<td>Assumption B:</td>
</tr>
<tr>
<td>–No Entry–</td>
<td></td>
<td>DR Accounts Payable $9,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CR Audit Adjustments $9,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CR Accounts Payable $9,000</td>
</tr>
</tbody>
</table>
# Common Audit Adjustments

<table>
<thead>
<tr>
<th>Audit adjustments</th>
<th>Processed transactions</th>
<th>Entries needed on the LEA's books</th>
</tr>
</thead>
<tbody>
<tr>
<td>(made to the audited financial statements after the books for the audit year have been closed)</td>
<td>(made in the current fiscal year)*</td>
<td>(made in the current fiscal year)</td>
</tr>
<tr>
<td>5. The auditors determine that revenue ($23,000) was not earned as of 6/30/xx.</td>
<td><strong>–No Entry–</strong></td>
<td>To book the audit adjustment:</td>
</tr>
<tr>
<td>DR Revenue $23,000</td>
<td>* Entries made in this column assume that the reversal method is not used in the current year for accounts receivable and accounts payable accrued in the prior year and that the LEA credits and debits Accounts Receivable and Accounts Payable when these accruals are collected and paid, respectively, in the current year.</td>
<td>DR Audit Adjustments $23,000</td>
</tr>
<tr>
<td>CR Deferred Revenue $23,000</td>
<td></td>
<td>CR Deferred Revenue $23,000</td>
</tr>
<tr>
<td>6. The auditors determine that $50,000 in cash that was recorded on the books of the LEA on 6/30/xx was actually not received until 7/2/xx.</td>
<td><strong>–No Entry–</strong></td>
<td>To book the audit adjustment:</td>
</tr>
<tr>
<td>DR Revenue $50,000</td>
<td>* Entries made in this column assume that the reversal method is not used in the current year for accounts receivable and accounts payable accrued in the prior year and that the LEA credits and debits Accounts Receivable and Accounts Payable when these accruals are collected and paid, respectively, in the current year.</td>
<td>DR Audit Adjustments $50,000</td>
</tr>
<tr>
<td>CR Cash $50,000</td>
<td></td>
<td>CR Revenue $50,000</td>
</tr>
</tbody>
</table>
Procedure 215    Audit Adjustments

Schedule of Audit Adjustments

The following instructions correspond to the sample schedule beginning on page 215-13. Prepare one schedule for each fund that shows audit adjustments in the "Reconciliation of Annual Financial and Budget Report with Audited Financial Statements" included in the audit report.

**Line 1**—Record the audited financial statement's fund balance per the "Reconciliation of Annual Financial and Budget Report with Audited Financial Statements."

**Line 2**—Record the fund balance per the LEA's books (should be the same amount shown for that line in the "Reconciliation of Annual Financial and Budget Report with Audited Financial Statements").

**Line 3**—Subtract line 2 from line 1.

**Line 4**—Ask the auditors to provide the detailed adjusting entries that support the summary entries in the "Reconciliation of Annual Financial and Budget Report with Audited Financial Statements." Note that the entries provided by the auditors will show adjustments affecting revenue and expenditure accounts, rather than fund balance, because adjustments are made as if the books were still open. Record each of these adjusting entries in the first three columns of Line 4 and show the impact on fund balance in the column "Increase (Decrease) to Fund Balance."

**Line 5**—Sum the total of the column "Increase (Decrease) to fund balance." This total must agree with that on line 3.

**Line 6**—Research each audit adjustment recorded by the auditors (shown in line 4) to determine whether any portion of the transaction related to the audit adjustment has been posted to the books in the current year. See "Common Audit Adjustments," pages 215-7 through 215-11. Record any processed transaction on this line.

**Line 7**—Record the entries that are needed on the books of the LEA.

*Reminder:* Provide a copy of this schedule to the auditors of the current year's financial statements.
## Procedure 215  Audit Adjustments

### Schedule of Audit Adjustments to the ________________ Fund

1. June 30, 20xx, fund balance from audited financial statement $__________
2. Less: Fund balance per LEA's annual financial report -__________
3. Computed difference (increase [decrease] in fund balance) = $__________

4. Audit adjustments

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Increase (Decrease) to Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>DR $________</td>
<td>$________ a.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>DR $________</td>
<td>$________ b.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>DR $________</td>
<td>$________ c.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>DR $________</td>
<td>$________ d.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>DR $________</td>
<td>$________ e.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>DR $________</td>
<td>$________ f.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td>DR $________</td>
<td>$________ g.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
<tr>
<td>h.</td>
<td>DR $________</td>
<td>$________ h.</td>
</tr>
<tr>
<td></td>
<td>CR $________</td>
<td></td>
</tr>
</tbody>
</table>
**Procedure 215  Audit Adjustments**

5. Total increase (decrease) to fund balance*  
   (Sum of lines 4a–4h; must agree with Line 3)  
   $________________

   Date on which copy of work sheet was provided to independent auditor  
   ________________

*This figure will agree with the Object 9793, Audit Adjustments, amount.
**Procedure 215  Audit Adjustments**

**Schedule of Audit Adjustments to the _______________Fund (Continued)**

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Amount</th>
<th>Account Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>a. ___________</td>
<td>DR ________</td>
<td>$______</td>
</tr>
<tr>
<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
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<tr>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>b. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>b. ___________</td>
<td>DR ________</td>
<td>$______</td>
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<tr>
<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
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<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>c. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>c. ___________</td>
<td>DR ________</td>
<td>$______</td>
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<tr>
<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
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<td>CR ________</td>
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<tr>
<td>d. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>d. ___________</td>
<td>DR ________</td>
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<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
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<tr>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>e. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>e. ___________</td>
<td>DR ________</td>
<td>$______</td>
</tr>
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<td>___________</td>
<td>DR ________</td>
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<td>___________</td>
<td>CR ________</td>
<td>$______</td>
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<tr>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>f. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>f. ___________</td>
<td>DR ________</td>
<td>$______</td>
</tr>
<tr>
<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>g. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>g. ___________</td>
<td>DR ________</td>
<td>$______</td>
</tr>
<tr>
<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
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<tr>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>h. ___________</td>
<td>DR ________</td>
<td>$______</td>
<td>h. ___________</td>
<td>DR ________</td>
<td>$______</td>
</tr>
<tr>
<td>___________</td>
<td>DR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
<tr>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
<td>___________</td>
<td>CR ________</td>
<td>$______</td>
</tr>
</tbody>
</table>
The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

The accounting systems of local educational agencies (LEAs) are organized and operated on a fund basis. A fund is a fiscal and accounting entity with a self-balancing set of accounts recording financial resources and liabilities. It is established to carry on specific activities or to attain certain objectives of an LEA in accordance with special regulations, restrictions, or limitations. Fund accounting theory and principles are discussed in procedures 101 and 105.

How the Fund Field Is Used

The funds in this procedure are authorized for use by LEAs. Certain funds are required when an LEA conducts certain activities that meet the criteria for using those funds. Other funds are optional and may be used at the LEA's discretion.

Only the minimum number of funds consistent with legal and operating requirements should be established; using unnecessary funds results in inflexibility, undue complexity, and inefficient financial administration.

The fund field is used when any accounting transaction is recorded. It applies to all accounts: revenue, expenditure, and balance sheet accounts.

Flexibility of the Fund Field

LEAs are required to code their transactions to at least the minimum fund level required by CDE. However, LEAs may also use more detailed CDE-defined optional fund codes (indicated by italics in the fund code listing) or create their own locally defined fund codes. Required and optional codes are reported to CDE; locally defined codes must be rolled up by the LEA when reporting data to CDE. For example, if an LEA were to use fund numbers 68, 69, and 70 to establish separate funds for each of...
Procedure 305  Fund Classification

its self-insurance activities, these funds must be rolled up by the LEA to Fund 67 when reporting to CDE. For further information, see "Optional and Locally Defined Codes" and "Reporting Data to the State," beginning on page 301-4.
Procedure 305    Fund Classification

List of Fund Codes

(Italicized codes are optional; if used, they must be reported to CDE.)

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>01–60</td>
<td>GOVERNMENTAL FUNDS</td>
</tr>
<tr>
<td>01</td>
<td>General Fund/County School Service Fund*</td>
</tr>
<tr>
<td>03</td>
<td>General Fund Unrestricted (Obsolete as of 2009-10)</td>
</tr>
<tr>
<td>06</td>
<td>General Fund Restricted (Obsolete as of 2009-10)</td>
</tr>
</tbody>
</table>

* The general fund for a county office of education is called the County School Service Fund (Education Code Section 1600). All references to the general fund in this manual also apply to the County School Service Fund.

| 09–20 | Special Revenue Funds                                               |
| 09    | Charter Schools Special Revenue Fund                                |
| 10    | Special Education Pass-Through Fund                                 |
| 11    | Adult Education Fund                                                |
| 12    | Child Development Fund                                              |
| 13    | Cafeteria Special Revenue Fund                                      |
| 14    | Deferred Maintenance Fund                                           |
| 15    | Pupil Transportation Equipment Fund                                 |
| 16    | Forest Reserve Fund                                                 |
| 17    | Special Reserve Fund for Other Than Capital Outlay Projects         |
| 18    | School Bus Emissions Reduction Fund                                 |
| 19    | Foundation Special Revenue Fund                                     |
| 20    | Special Reserve Fund for Postemployment Benefits                    |

| 21–50 | Capital Project Funds                                               |
| 21    | Building Fund                                                       |
| 25    | Capital Facilities Fund                                             |
| 30    | State School Building Lease-Purchase Fund                           |
| 35    | County School Facilities Fund                                       |
| 40    | Special Reserve Fund for Capital Outlay Projects                    |
| 49    | Capital Project Fund for Blended Component Units                    |

| 51–56 | Debt Service Funds                                                  |
| 51    | Bond Interest and Redemption Fund                                   |
# Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>52</td>
<td>Debt Service Fund for Blended Component Units</td>
</tr>
<tr>
<td>53</td>
<td>Tax Override Fund</td>
</tr>
<tr>
<td>56</td>
<td>Debt Service Fund</td>
</tr>
<tr>
<td>57–60</td>
<td>Permanent Funds</td>
</tr>
<tr>
<td>57</td>
<td>Foundation Permanent Fund</td>
</tr>
</tbody>
</table>

### 61–70  PROPRIETARY FUNDS

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>61–65</td>
<td>Enterprise Funds</td>
</tr>
<tr>
<td>61</td>
<td>Cafeteria Enterprise Fund</td>
</tr>
<tr>
<td>62</td>
<td>Charter Schools Enterprise Fund</td>
</tr>
<tr>
<td>63</td>
<td>Other Enterprise Fund</td>
</tr>
<tr>
<td>66–70</td>
<td>Internal Service Funds</td>
</tr>
<tr>
<td>66</td>
<td>Warehouse Revolving Fund</td>
</tr>
<tr>
<td>67</td>
<td>Self-Insurance Fund</td>
</tr>
</tbody>
</table>

### 71–95  FIDUCIARY FUNDS

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>71–75</td>
<td>Pension (and Other Employee Benefit) Trust Funds and Private-Purpose Trust Funds</td>
</tr>
<tr>
<td>71</td>
<td>Retiree Benefit Fund</td>
</tr>
<tr>
<td>73</td>
<td>Foundation Private-Purpose Trust Fund</td>
</tr>
<tr>
<td>76–95</td>
<td>Agency Funds</td>
</tr>
<tr>
<td>76</td>
<td>Warrant/Pass-Through Fund*</td>
</tr>
<tr>
<td>95</td>
<td>Student Body Fund*</td>
</tr>
</tbody>
</table>

*Not required to be reported to CDE; however, these funds are required to be included in the audited financial statements to meet GAAP reporting requirements.
Procedure 305  Fund Classification

Fund Code Definitions

(Italicized codes are optional; if used, they must be reported to CDE.)

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>01–60</td>
<td>GOVERNMENTAL FUNDS</td>
</tr>
</tbody>
</table>

**01 General Fund.** This is the chief operating fund for all LEAs. It is used to account for the ordinary operations of an LEA. All transactions except those accounted for in another fund are accounted for in this fund.

A charter school that reports separately from its authorizing LEA and that uses the governmental accounting model will use this fund as its chief operating fund. For charter schools operated as or by a not-for-profit public benefit corporation, see Fund 62.

The general fund for a county office of education is called the County School Service Fund (Education Code Section 1600). All references to the general fund in this manual also apply to the County School Service Fund.

Restricted projects or activities within the general fund must be identified and reported separately from unrestricted projects or activities. This is done by using codes in the resource field that identify whether the resources used are restricted or unrestricted.

**03 General Fund Unrestricted (Optional) (Obsolete as of 2009-10).** This fund may be used to account for those projects and activities that are funded with unrestricted revenues (resources 0000–1999).

**06 General Fund Restricted (Optional) (Obsolete as of 2009-10).** This fund may be used to account for those projects and activities that are funded by external revenue sources that are legally restricted or restricted by the donor to specific purposes (resources 2000–9999).

**09–20 Special Revenue Funds.** Special revenue funds are established to account for the proceeds from specific revenue sources (other than trusts, major capital projects, or debt service) that are restricted or committed to the financing of particular activities and that compose a substantial portion of the inflows of the fund. Additional resources that are restricted, committed, or assigned to the purpose of
## Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>the fund may also be reported in the fund. <strong>09 Charter Schools Special Revenue Fund.</strong> This fund may be used by authorizing LEAs to account separately for the activities of LEA-operated charter schools that would otherwise be reported in the authorizing LEA’s general fund. If an LEA uses this fund for any of a charter school’s operating activities, it should use this fund for all of the charter school’s operating activities.</td>
</tr>
<tr>
<td></td>
<td>Transactions of an authorizing or sponsoring LEA on behalf of a non-LEA-operated charter school, such as the receipt and subsequent pass-through of funds to the charter school, should be reported in the authorizing LEA’s general fund.</td>
</tr>
<tr>
<td></td>
<td>Charter schools that report separately from their authorizing LEAs and that use the governmental accounting model should use Fund 01 as their chief operating fund.</td>
</tr>
<tr>
<td></td>
<td>For charter schools operated as or by not-for-profit public benefit corporations, also see Fund 62.</td>
</tr>
<tr>
<td></td>
<td>The principal revenues in this fund are:</td>
</tr>
<tr>
<td></td>
<td>Charter Schools General Purpose Entitlement—State Aid</td>
</tr>
<tr>
<td></td>
<td>Charter Schools Categorical Block Grant</td>
</tr>
<tr>
<td></td>
<td>Transfers from Sponsoring LEAs to Charter Schools in Lieu of Property Taxes</td>
</tr>
<tr>
<td></td>
<td>Lottery</td>
</tr>
<tr>
<td></td>
<td>Interest</td>
</tr>
<tr>
<td></td>
<td>All Other Local Revenue</td>
</tr>
<tr>
<td></td>
<td>See Procedure 810 for further information on charter school reporting.</td>
</tr>
<tr>
<td></td>
<td><strong>10 Special Education Pass-Through Fund.</strong> This fund is used by the Administrative Unit (AU) of a multi-LEA Special Education Local Plan Area (SELPA) to account for Special Education revenue passed through to other member LEAs.</td>
</tr>
<tr>
<td></td>
<td>Special Education revenues that are not passed through to other member LEAs, but rather are retained for use by the SELPA AU in accordance with the local plan, are not accounted for in this fund. These revenues and the related expenditures are operational in nature and are properly accounted for in the AU’s own general fund.</td>
</tr>
</tbody>
</table>
### Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Revenues typically reported in this fund include state special education apportionments, federal local assistance under the Individuals with Disabilities Education Act, federal preschool funding, state mental health funding, and the portion of a COE’s local property taxes restricted to special education. See Procedure 755 for appropriate recording of transactions in this fund.</td>
</tr>
</tbody>
</table>

#### 11 Adult Education Fund. This fund is used to account separately for federal, state, and local revenues for adult education programs.

The principal revenues in this fund are:

- Adult Education Block Entitlement
- Apprentice Transfer from the General Fund
- Workforce Investment Act (WIA)
- Other Federal Revenue (e.g., Adult Basic Education)
- All Other State Revenue
- Interest
- Adult Education Fees
- All Other Local Revenue

Money in this fund shall be expended for adult education purposes only. Moneys received for programs other than adult education shall not be expended for adult education (Education Code sections 52616[b] and 52501.5[a]).

Expenditures in this fund may be made only for direct instructional costs, direct support costs, and indirect costs as specified in Education Code Section 52616.4.

Other educational programs and activities that are administered by adult education staff but do not specifically serve adults should be expended in the LEA's general fund.

#### 12 Child Development Fund. This fund is used to account separately for federal, state, and local revenues to operate child development programs.

The principal revenues in this fund are:

- Child Nutrition Programs (Federal)
- State Preschool
- Child Nutrition Programs (State)
- Child Development Apportionments
- All Other State Revenue
Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Food Service Sales</td>
</tr>
<tr>
<td></td>
<td>Interest</td>
</tr>
<tr>
<td></td>
<td>Child Development Parent Fees</td>
</tr>
<tr>
<td></td>
<td>All Other Local Revenue</td>
</tr>
<tr>
<td></td>
<td>Interfund Transfers In</td>
</tr>
</tbody>
</table>

All moneys received by an LEA for, or from the operation of, child development services covered under the Child Care and Development Services Act (Education Code Section 8200 et seq.) shall be deposited into this fund. The moneys may be used only for expenditures for the operation of child development programs. The costs incurred in the maintenance and operation of child development services shall be paid from this fund, with accounting to reflect specific funding sources (Education Code Section 8328).

Child development programs that are not subsidized by state or federal funds and that are operated with the intent of recovering the costs of the program through parent fees or other charges to users, if significant, should be accounted for in an enterprise fund.

13  Cafeteria Special Revenue Fund. This fund is used to account separately for federal, state, and local resources to operate the food service program (Education Code sections 38090–38093).

The principal revenues in this fund are:

- Child Nutrition Programs (Federal)
- Child Nutrition Programs (State)
- Food Service Sales
- Interest
- All Other Local Revenue

The Cafeteria Special Revenue Fund (Fund 13) shall be used only for those expenditures authorized by the governing board as necessary for the operation of the LEA's food service program (Education Code sections 38091 and 38100).

The governing board of an LEA may establish and maintain within Fund 13, Cafeteria Special Revenue Fund, a reserve for cafeteria equipment (Education Code Section 38102).

See Procedure 635 for appropriate recording of transactions in this fund.
Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
</table>
| 14   | **Deferred Maintenance Fund.** This fund is used to account separately for state apportionments and the LEA's contributions for deferred maintenance purposes (*Education Code* sections 17582–17587).  
The principal revenues in this fund are:  
Deferred Maintenance Allowance  
Interest  
Interfund Transfers In  
Moneys in this fund may be expended only for the following purposes:  
a. Major repair or replacement of plumbing, heating, air-conditioning, electrical, roofing, and floor systems  
b. Exterior and interior painting of school buildings, including a facility that a county office of education is authorized to use pursuant to *Education Code* sections 17280–17317  
c. The inspection, sampling, and analysis of building materials  
d. The encapsulation or removal of asbestos-containing materials  
e. The inspection, identification, sampling, and analysis of building materials to determine the presence of lead-containing materials  
f. Any other items of maintenance approved by the State Allocation Board  
In addition, whenever the state funds provided pursuant to *Education Code* sections 17584 and 17585 (apportionments from the State Allocation Board) are insufficient to fully match the local funds deposited in this fund, the governing board of a school district may transfer the excess local funds deposited in this fund to any other expenditure classifications in other funds of the district (*Education Code* sections 17582 and 17583).  
See Procedure 650 for appropriate recording of transactions in this fund. |

15  
**Pupil Transportation Equipment Fund.** This fund is used to account separately for state and local revenues specifically for the acquisition, rehabilitation, or replacement of equipment used to transport students (*Education Code* Section 41852[b]).  

Typical expenditures in this fund are items charged to Object 4400, Noncapitalized Equipment; Object 6400, Equipment; and Object 6500, Equipment Replacement.
Procedure 305    Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td><strong>Forest Reserve Fund (county offices).</strong> This fund exists to account separately for federal forest reserve funds received by offices of county superintendents for distribution to school districts and community college districts (<em>Education Code</em> Section 2300; <em>Government Code</em> Section 29484). See Procedure 620 for appropriate recording of transactions in this fund.</td>
</tr>
<tr>
<td>17</td>
<td><strong>Special Reserve Fund for Other Than Capital Outlay Projects.</strong> This fund is used primarily to provide for the accumulation of general fund moneys for general operating purposes other than for capital outlay (<em>Education Code</em> Section 42840). Amounts from this special reserve fund must first be transferred into the general fund or other appropriate fund before expenditures may be made (<em>Education Code</em> Section 42842). While this fund is authorized by statute, it does not meet the definition of a special revenue fund and functions effectively as an extension of the general fund. It is recommended either that it be combined with the general fund for presentation in the audited financial statements, or that the departure from GAAP be explained in the financial statements.</td>
</tr>
<tr>
<td>18</td>
<td><strong>School Bus Emissions Reduction Fund.</strong> This fund is used to accumulate money for the purchase or lease of new low- or zero-emission school buses or for the retrofitting of existing school buses (<em>Education Code</em> sections 17920–17926). The money could come from private parties as payment for the right to use emission reduction credits or from air pollution control district and air quality management district grants. Resource 7236, School Bus Emissions Reduction, may be deposited to the general fund as well as to Fund 18. More than 50 percent of the money deposited in the School Bus Emissions Reduction Fund must come from local LEA revenues. The LEA's contribution could be local sources or unrestricted general fund money but cannot be money from the existing Small School District Bus Replacement Program. This restriction also applies to any new money that the state appropriates for the purchase or lease of new low- or zero-emission school buses or for the retrofitting of existing school buses.</td>
</tr>
<tr>
<td>19</td>
<td><strong>Foundation Special Revenue Fund.</strong> This fund is used to account for resources received from gifts or bequests pursuant to <em>Education Code</em> Section 41031 under which both earnings and principal may be used for purposes that support the LEA's own programs and where there is a formal trust agreement with the donor.</td>
</tr>
</tbody>
</table>
### Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gifts or bequests not covered by a formal trust agreement should be accounted for in the general fund.</td>
<td></td>
</tr>
</tbody>
</table>

Amounts in the Foundation Special Revenue Fund (Fund 19) shall be expended only for the specific purposes of the gift or bequest (*Education Code* Section 41032).

| Special Reserve Fund for Postemployment Benefits |This fund may be used pursuant to *Education Code* Section 42840 to account for amounts the LEA has earmarked for the future cost of postemployment benefits but has not contributed irrevocably to a separate trust for the postemployment benefit plan. Amounts accumulated in this fund must be transferred back to the general fund for expenditure (*Education Code* Section 42842). |

Use of this fund is optional. The LEA may account for amounts earmarked for postemployment benefits in the General Fund (Fund 01) or the Special Reserve Fund for Other Than Capital Outlay Projects (Fund 17) instead.

While this fund is authorized by statute, it does not meet the definition of a special revenue fund and functions effectively as an extension of the general fund. It is recommended either that it be combined with the general fund for presentation in the audited financial statements, or that the departure from GAAP be explained in the financial statements.

If the LEA pays for its postemployment benefit costs entirely on a pay-as-you-go basis, there is no need to use this fund. If the LEA makes irrevocable contributions to a separate trust for the postemployment benefit plan and the plan assets are in the LEA's custody, the LEA should use Fund 71, Retiree Benefit Fund.

| Capital Project Funds | Capital project funds are established to account for financial resources to be used for the acquisition or construction of major capital facilities and other capital assets (other than those financed by proprietary funds and trust funds). |

Capital facilities project expenditures are coded to Function 8500, Facilities Acquisition and Construction. Generally, Function 1000, Instruction; Function 2420, Instructional Library, Media and Technology; Function 7200, Other General Administration; and other operational functions are not used in a capital project fund.
### Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
</table>
| 21   | **Building Fund.** This fund exists primarily to account separately for proceeds from the sale of bonds *(Education Code* Section 15146) and may not be used for any purposes other than those for which the bonds were issued. Other authorized revenues to the Building Fund (Fund 21) are proceeds from the sale or lease-with-option-to-purchase of real property *(Education Code* Section 17462) and revenue from rentals and leases of real property specifically authorized for deposit into the fund by the governing board *(Education Code* Section 41003). The principal revenues and other sources in this fund are:  
   - Rentals and Leases  
   - Interest  
   - Proceeds from the Sale of Bonds  
   - Proceeds from the Sale/Lease-Purchase of Land and Buildings  
Expenditures in Fund 21, Building Fund, are most commonly made against the 6000 object codes for capital outlay. Another example of an authorized expenditure in Fund 21 is repayment of State School Building Aid out of proceeds from the sale of bonds *(Education Code* Section 16058). |
| 25   | **Capital Facilities Fund.** This fund is used primarily to account separately for moneys received from fees levied on developers or other agencies as a condition of approving a development *(Education Code* sections 17620–17626). The authority for these levies may be county/city ordinances *(Government Code* sections 65970–65981) or private agreements between the LEA and the developer. Interest earned in the Capital Facilities Fund (Fund 25) is restricted to that fund *(Government Code* Section 66006). The principal revenues in this fund are the following:  
   - Interest  
   - Mitigation/Developer Fees  
Expenditures in Fund 25, Capital Facilities Fund, are restricted to the purposes specified in *(Government Code* sections 65970–65981) or to the items specified in agreements with the developer *(Government Code* Section 66006). Expenditures incurred in another fund may be reimbursed to that fund by means of an interfund transfer. |
| 30   | **State School Building Lease-Purchase Fund.** This fund is used primarily to account separately for state apportionments for the reconstruction, remodeling, or |
Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>replacing of existing school buildings or the acquisition of new school sites and buildings, as provided in the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (<em>Education Code</em> Section 17000 et seq.). The LEA may be required to transfer to this fund any available moneys from other funds as the LEA's contribution to a particular project.</td>
</tr>
</tbody>
</table>

The principal revenues and other sources in this fund are:

- Interest
- Interfund Transfers In
- School Facilities Apportionments

Typical expenditures in this fund are items charged to Object 6200, Buildings and Improvement of Buildings, and Object 6300, Books and Media for New School Libraries or Major Expansion of School Libraries.

35

**County School Facilities Fund.** This fund is established pursuant to *Education Code* Section 17070.43 to receive apportionments from the 1998 State School Facilities Fund (Proposition 1A), the 2002 State School Facilities Fund (Proposition 47), the 2004 State School Facilities Fund (Proposition 55), or the 2006 State School Facilities Fund (Proposition 1D) authorized by the State Allocation Board for new school facility construction, modernization projects, and facility hardship grants, as provided in the Leroy F. Greene School Facilities Act of 1998 (*Education Code* Section 17070.10 et seq.).

The principal revenues and other sources in this fund are:

- School Facilities Apportionments
- Interest
- Interfund Transfers In

Funding provided by the State Allocation Board for reconstruction of facilities after disasters such as flooding may be deposited to Fund 35. Typical expenditures in this fund are payments for the costs of sites, site improvements, buildings, building improvements, and furniture and fixtures capitalized as a part of the construction project.

40

**Special Reserve Fund for Capital Outlay Projects.** This fund exists primarily to provide for the accumulation of general fund moneys for capital outlay purposes (*Education Code* Section 42840). This fund may also be used to account for any other revenues specifically for capital projects that are not restricted to funds 21,
Procedure 305  
Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25, 30, 35, or 49. Other authorized resources that may be transferred to the Special Reserve Fund for Capital Outlay Projects (Fund 40) are proceeds from the sale or lease-with-option-to-purchase of real property (<em>Education Code</em> Section 17462) and rentals and leases of real property specifically authorized for deposit to the fund by the governing board (<em>Education Code</em> Section 41003). The principal revenues and other sources in this fund are: Federal, State, or Local Revenues Rentals and Leases Interest Other Authorized Interfund Transfers In Proceeds from Sale/Lease-Purchase of Land and Buildings Federal Emergency Management Act (FEMA) Transfers to Fund 40 authorized by the governing board from the general fund must be expended for capital outlay purposes. Proceeds from the sale or lease-with-option-to-purchase may be spent for capital outlay purposes, costs of maintenance of the LEA's property, and future maintenance and renovation of school sites (<em>Education Code</em> Section 17462). Expenditures for capital outlay are most commonly made against the 6000 object codes for capital outlay. Salaries of school district employees whose work is directly related to projects financed by Fund 40 revenues are capitalized as a part of the capital facilities project.</td>
</tr>
<tr>
<td>49</td>
<td><strong>Capital Project Fund for Blended Component Units.</strong> This fund is used to account for capital projects financed by Mello-Roos Community Facilities Districts and similar entities that are considered blended component units of the LEA under generally accepted accounting principles (GAAP). The Mello-Roos Community Facilities Act of 1982 (<em>Government Code</em> Section 53311 et seq.) allows any county, city, special district, school district, or joint powers authority to establish, upon approval of two-thirds of the voters in the district, a &quot;Community Facilities District&quot; (CFD) for the purpose of selling tax-exempt bonds to finance public improvements and services. Mello-Roos tax receipts collected by the LEA should be recorded in Object 8622, Other Non-Ad Valorem Taxes. Mello-Roos proceeds collected by another agency's community facility district, of which the LEA is just a beneficiary, should be reported in Object 8799, Transfers In From All Others.</td>
</tr>
</tbody>
</table>
### Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>51–56</td>
<td><strong>Debt Service Funds.</strong> Debt service funds are established to account for the accumulation of resources for and the payment of principal and interest on general long-term debt.</td>
</tr>
</tbody>
</table>
| 51   | **Bond Interest and Redemption Fund.** This fund is used for the repayment of bonds issued for an LEA (*Education Code* sections 15125–15262). Typically the board of supervisors of the county issues the bonds. The proceeds from the sale of the bonds are deposited in the county treasury to the Building Fund (Fund 21) of the LEA. Any premiums or accrued interest received from the sale of the bonds must be deposited in the Bond Interest and Redemption Fund (Fund 51) of the LEA. The county auditor maintains control over the LEA's Bond Interest and Redemption Fund. The principal and interest on the bonds must be paid by the county treasurer from taxes levied by the county auditor-controller. The principal revenues in this fund are:  
  - State Subventions for Homeowners' Exemptions  
  - Other Subventions/In-lieu Taxes  
  - Secured Roll Taxes  
  - Unsecured Roll Taxes  
  - Prior Years' Taxes  
  - Interest  
  Expenditures in this fund are limited to bond interest, redemption, and related costs. Any money remaining in this fund after the payment of all bonds and coupons payable from the fund, or any money in excess of an amount sufficient to pay all unpaid bonds and coupons payable from the fund, shall be transferred to the general fund upon order of the county auditor (*Education Code* Section 15234). |
| 52   | **Debt Service Fund for Blended Component Units.** This fund is used to account for the accumulation of resources for the payment of principal and interest on bonds issued by Mello-Roos Community Facilities Districts and similar entities that are considered blended component units of the LEA under generally accepted accounting principles (GAAP). The Mello-Roos Community Facilities Act of 1982 (*Government Code* Section 53311 et seq.) allows any county, city, special district, school district, or joint powers authority to establish, upon approval of two-thirds of the voters in the district, a "Community Facilities District" (CFD) |
### Procedure 305  
**Fund Classification**

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>for the purpose of selling tax-exempt bonds to finance public improvements and services.</td>
</tr>
</tbody>
</table>

#### 53  
**Tax Override Fund.** This fund is used for the repayment of voted indebtedness (other than Bond Interest and Redemption Fund repayments) to be financed from ad valorem tax levies. An example is a public school building loan repayment.

Interest earned in the Tax Override Fund (Fund 53) is credited to the general fund of the LEA.

The principal revenues in this fund are:

- State Subventions for Homeowners' Exemptions
- Other Subventions/In-Lieu Taxes
- Secured Roll Taxes
- Unsecured Roll Taxes
- Prior Years' Taxes
- Supplemental Taxes

The principal expenditure accounts in this fund are:

<table>
<thead>
<tr>
<th>Purpose for which levy was authorized:</th>
<th>Object Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>State school building loan repayments</td>
<td>7432</td>
</tr>
<tr>
<td><em>(Education Code Section 16090)</em></td>
<td></td>
</tr>
<tr>
<td>Payment to original district for acquisition of property</td>
<td>7436</td>
</tr>
<tr>
<td><em>(Education Code Section 35576)</em></td>
<td></td>
</tr>
<tr>
<td>Compensatory education housing repayments</td>
<td>7439</td>
</tr>
<tr>
<td><em>(Education Code Section 16214)</em></td>
<td></td>
</tr>
<tr>
<td>Lease-purchase payments</td>
<td>7439</td>
</tr>
<tr>
<td><em>(Education Code Section 17409)</em></td>
<td></td>
</tr>
<tr>
<td>Construction of exceptional children's facilities repayments <em>(Education Code Section 16196)</em></td>
<td>7439</td>
</tr>
<tr>
<td>Other voter-approved debt service</td>
<td>7439</td>
</tr>
<tr>
<td>Debt Service—Interest</td>
<td>7438</td>
</tr>
</tbody>
</table>
### Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>56</td>
<td><strong>Debt Service Fund.</strong> This fund is used for the accumulation of resources for and the retirement of principal and interest on general long-term debt.</td>
</tr>
<tr>
<td></td>
<td>The principal source in this fund is Other Authorized Interfund Transfers In.</td>
</tr>
<tr>
<td></td>
<td>Expenditures are most commonly made in the 7400 object codes for debt service.</td>
</tr>
<tr>
<td>57–60</td>
<td><strong>Permanent Funds.</strong> Permanent funds were introduced as part of the governmental financial reporting model established by GASB Statement 34 to account for permanent foundations that benefit an LEA.</td>
</tr>
<tr>
<td>57</td>
<td><strong>Foundation Permanent Fund.</strong> This fund is used to account for resources received from gifts or bequests pursuant to Education Code Section 41031 that are restricted to the extent that earnings, but not principal, may be used for purposes that support the LEA’s own programs and where there is a formal trust agreement with the donor. Gifts or bequests not covered by a formal trust agreement should be accounted for in the general fund.</td>
</tr>
<tr>
<td></td>
<td>Amounts in Fund 57, Foundation Permanent Fund, shall be expended only for the specific purposes of the gift or bequest (Education Code Section 41032).</td>
</tr>
<tr>
<td>61–70</td>
<td><strong>PROPRIETARY FUNDS</strong></td>
</tr>
<tr>
<td>61–65</td>
<td><strong>Enterprise Funds.</strong> Enterprise funds may be used to account for any activity for which a fee is charged to external users for goods or services. An enterprise fund must be used to report any activity whose principal revenue sources meet any of the following criteria:</td>
</tr>
<tr>
<td></td>
<td>1. The LEA has issued debt backed solely by fees and charges from that activity.</td>
</tr>
<tr>
<td></td>
<td>2. There is a legal requirement that the cost of providing services, including capital costs such as depreciation or debt service, must be recovered through fees or charges.</td>
</tr>
<tr>
<td></td>
<td>3. The LEA’s policy is to establish activity fees or charges designed to recover the cost of providing services, including capital costs such as depreciation or debt service.</td>
</tr>
</tbody>
</table>
|      | An enterprise fund is accounted for on the accrual basis. Capital assets and long-term debt (including all long-term debt obligations such as vacation pay and capital leases) are recorded in the fund. All revenues and expenses (rather than
Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>expenditures) are recorded, regardless of when they are received or paid. Depreciation of capital assets is recorded.</td>
</tr>
</tbody>
</table>

An enterprise fund may be used to account for any activity that an LEA accounted for in an enterprise fund prior to the issuance of GASB Statement No. 34, even if the activity does not otherwise meet the criteria for using an enterprise fund.

Generally, use Goal 0000, Undistributed, with an enterprise fund.

61  
**Cafeteria Enterprise Fund.** The cafeteria program may be accounted for using an enterprise fund rather than a special revenue fund (Fund 13) even though its primary source of financing comes from federal and state child nutrition program revenues rather than through the price paid for meals by the students. CDE recommends that an LEA use an enterprise fund to account for its cafeteria operations only if the LEA's governing board intends to operate its cafeteria program in a manner similar to that employed by private business enterprises and to fully recover all costs of providing services, including depreciation of capital assets.

Use Function 3700 for cafeteria program operations. Use Function 6000 for non-cafeteria enterprise activities such as catering.

62  
**Charter Schools Enterprise Fund.** This fund may be used to report the activities of LEA-operated not-for-profit public benefit charter schools that use the accrual basis of accounting. It may also be used to report the activities of separately operated not-for-profit public benefit charter schools that report separately from their authorizing LEAs. Since fund accounting is inconsistent with the not-for-profit financial reporting model, in this case Fund 62 serves not as a fund but rather as a financial statement for purposes of reporting to CDE.

If Fund 62 is used for any of a charter school’s activities, it should be used for all of the charter school’s activities.

Costs reported in Fund 62 should include the function most descriptive of the activity being performed (e.g., instruction, pupil services, enterprise, plant services) rather than charging all costs to Function 6000, Enterprise, which is normally done in an enterprise fund.

Transactions of an authorizing or sponsoring LEA on behalf of a non-LEA-operated charter school, such as the receipt and subsequent
Procedure 305   Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>pass-through of funds to the charter school, should be reported in the authorizing LEA’s general fund.</td>
</tr>
</tbody>
</table>

See Procedure 810 for further information on charter school reporting.

63 **Other Enterprise Fund.** This fund may be used to account for other business activities.

Only Function 6000, Enterprise, is applicable to Fund 63.

66–70 **Internal Service Funds.** Internal service funds are created principally to render services to other organizational units of the LEA on a cost-reimbursement basis. These funds are designed to be self-supporting with the intent of full recovery of costs, including some measure of the cost of capital assets, through user fees and charges.

An internal service fund should be used only if the LEA is the primary participant. If services are provided on a cost-reimbursement basis primarily to other LEAs and/or entities, use an enterprise fund.

An internal service fund is accounted for on the accrual basis. Capital assets and long-term debt (including all long-term debt obligations such as vacation pay and capital leases) are recorded in the fund. All revenues and expenses (rather than expenditures) are recorded, regardless of when they are received or paid. Depreciation of capital assets is recorded.

For more information on internal service funds, see Procedure 775.

66 **Warehouse Revolving Fund.** This fund is used primarily to maintain budget control and stock accounting of merchandise for an LEA's use (*Education Code* Section 42830). The Warehouse Revolving Fund (Fund 66) is reimbursed from various funds of the LEA for amounts consumed by these user funds.

Expenses in Fund 66, Warehouse Revolving Fund, may include the purchase of stores to be placed in stock and the costs of receiving, storing, and delivering stores (*Education Code* Section 42832).

See Procedure 775 for appropriate recording of transactions in this fund.

67 **Self-Insurance Fund.** Self-insurance funds are used to separate moneys received for self-insurance activities from other operating funds of an LEA. Separate funds
Procedure 305  Fund Classification

**Code**  **Definition**

may be established for each type of self-insurance activity, such as workers' compensation, health and welfare, and deductible property loss (*Education Code* Section 17566).

The principal revenues in this fund are the following:

- Interest
- In-District Premiums/Contributions
- Interagency Revenues
- All Other Local Revenue

Expense transactions in the Self-Insurance Fund (Fund 67) shall be recorded for the payment of claims, estimates of costs relating to incurred-but-not-reported (IBNR) claims, administrative costs, deductible insurance amounts, cost of excess insurance, and other related costs. Most of the activities of Fund 67 should be coded to Function 6000, Enterprise.

Amounts contributed to Fund 67, Self-Insurance Fund, are lawfully restricted for insurance purposes (*Education Code* Section 17566 and *Government Code* Section 53205).

See Procedure 775 for accounting guidance and restrictions relating to this fund.

### 71–95 FIDUCIARY FUNDS

Fiduciary funds are used to account for assets held in a trustee or agent capacity for others that cannot be used to support the LEA's own programs.

The key distinction between trust and agency funds is that trust funds are subject to a trust agreement that affects the degree of management involvement and the length of time that the resources are held.

### 71–75 Pension (and Other Employee Benefit) Trust Funds and Private-Purpose Trust Funds

Pension (and other employee benefit) trust funds are used to report resources that are required to be held in trust for the members and beneficiaries of defined benefit pension plans, defined contribution plans, other postemployment benefit plans, or other employee benefit plans. For a state-administered pension system such as STRS or PERS, the state, not the LEA, maintains the pension (and other employee benefit) trust funds.
Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Private-purpose trust funds are used to report all other trust arrangements under which principal and income benefit individuals, private organizations, or other governments.</td>
</tr>
</tbody>
</table>

71  **Retiree Benefit Fund.** This fund exists to account separately for amounts held in trust from salary reduction agreements, other irrevocable contributions for employees' retirement benefit payments, or both. This fund should only be used to account for an LEA's irrevocable contributions to a postemployment benefit plan for which a formal trust exists. Amounts earmarked for postemployment benefits but not contributed irrevocably to a trust should be accounted for in the general fund or a special reserve fund.

Moneys may be contributed to the Retiree Benefit Fund (Fund 71) from other funds by periodic expense charges to those funds in amounts based on existing and future obligation requirements. Payments may be made from the fund for insurance, annuities, administrative costs, or any other authorized purpose (Education Code Section 42850).

The principal revenues in this fund are the following:

- Interest
- In-District Premiums/Contributions
- All Other Local Revenue

Expenditures in Fund 71, Retiree Benefit Fund, are made using Object 5800, Professional/Consulting Services and Operating Expenditures. Use with Function 6000, Enterprise.

73  **Foundation Private-Purpose Trust Fund.** This fund is used to account separately for gifts or bequests per Education Code Section 41031 that benefit individuals, private organizations, or other governments and under which neither principal nor income may be used for purposes that support the LEA's own programs.

This fund should be used when there is a formal trust agreement with the donor. Donations not covered by a formal trust agreement should be accounted for in the general fund. Amounts in the Foundation Private-Purpose Trust Fund shall be expended only for the specific purposes of the gift or bequest (Education Code Section 41032).

76–95  **Agency Funds**
### Procedure 305  Fund Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>76</td>
<td><strong>Warrant/Pass-Through Fund.</strong> (Reporting of this fund to CDE is not required; however, it is required to be included in the audited financial statements to meet GAAP reporting requirements.) This fund exists primarily to account separately for amounts collected from employees for federal taxes, state taxes, transfers to credit unions, and other contributions. It is also used to account for those receipts for transfer to agencies for which the LEA is acting simply as a &quot;cash conduit.&quot; For more information on the cash conduit accounting model, see Procedure 750. It is recommended that two agency funds be used at a local level: one for clearing payroll withholdings and another for the pass-through of resources. If the LEA chooses to report this information to CDE, the funds would combine into one Fund 76.</td>
</tr>
<tr>
<td>95</td>
<td><strong>Student Body Fund.</strong> (Reporting of this fund to CDE is not required; however, it is required to be included in the audited financial statements to meet GAAP reporting requirements.) In the financial reports of the LEA, the Student Body Fund (Fund 95) is an agency fund and, therefore, consists only of accounts such as Cash and balancing liability accounts, such as Due to Student Groups. The student body itself maintains its own general fund, which accounts for the transactions of that entity in raising and expending money to promote the general welfare, morale, and educational experiences of the student body (<em>Education Code</em> sections 48930–48938). Sources of receipts include, but are not limited to, fund-raising ventures, student store merchandise sales, athletic and student body performances, concessions, publications, gifts, grants, and interest. Unorganized student body funds are governed by the same principles of student body accounting that govern organized student body funds (<em>Education Code</em> Section 48938). Disbursements from the student body's bank account may be made for merchandise, student body activities, food, hospitality, and student awards (<em>California Code of Regulations, Title 5, Education</em>, sections 15500 and 15501).</td>
</tr>
</tbody>
</table>
Procedure 310  Resource (Project/Reporting) Classification

The resource code is used to classify revenues and resulting expenditures in accordance with restrictions or special reporting requirements placed on either of these aspects of LEA financial activities by law or regulation. Further, because such revenues frequently are not fully expended within a fiscal year and related liabilities are not completely liquidated, the resource code is also used to reflect restrictions and special reporting obligations on balance sheet accounts.

How the Resource Field Is Used

Resource and Revenue Object Accounts

The resource field allows LEAs to account separately for activities funded with revenues that have restrictions on how the funds are spent (e.g., NCLB, Title I) and for activities funded with revenues that have financial reporting or special accounting requirements (e.g., State Lottery).

Restricted revenues are those funds received from external sources that are legally restricted or that are restricted by the donor to specific purposes. Unrestricted revenues are those funds whose uses are not subject to specific constraints and that may be used for any purposes not prohibited by law. Programs funded by a combination of restricted and unrestricted sources are accounted for and reported as restricted.

Funds or activities that are not restricted by the donor, but rather are earmarked for particular purposes by the LEA’s governing board, are accounted for and reported as unrestricted. LEAs will need to review local revenues received from external sources to determine whether legal or donor restrictions apply for purposes of accounting for them as restricted or unrestricted.

Restricted revenues are accounted for in resource codes in the 2000–9999 range. Revenues whose use is unrestricted in nature but which still have reporting requirements are accounted for in unrestricted resource codes in the 1000–1999 range. Those activities using unrestricted revenues that do not have financial reporting or special accounting requirements are accounted for in Resource 0000, Unrestricted.
In combination with the resource code, the revenue object code further classifies revenues by source: revenue limit, federal, state, and local. This identification is useful because an activity or project may be funded with revenues from federal, state, and local sources. For example, a restricted federal program could also have revenues from state and/or local sources. The resource code allows related expenditures to be grouped for reporting and information purposes.

A single source of revenue that must link to expenditures will have:

- A unique resource code
- A generic revenue object code (such as Object 8290, Other Federal Revenues)

For example:

<table>
<thead>
<tr>
<th>Resource</th>
<th>Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>3010</td>
<td>8290</td>
</tr>
<tr>
<td>NCLB, Title I</td>
<td>Other Federal Revenues</td>
</tr>
</tbody>
</table>

Two or more specific sources of revenues, which must link to expenditures in the aggregate, will have:

- A unique resource code
- A separate revenue object code for each type of revenue associated with that resource

For example:

<table>
<thead>
<tr>
<th>Resource</th>
<th>Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>5310</td>
<td>8220</td>
</tr>
<tr>
<td>Child Nutrition School Programs</td>
<td>Federal Child Nutrition</td>
</tr>
<tr>
<td>8520</td>
<td>State Child Nutrition</td>
</tr>
<tr>
<td>8634</td>
<td>Local Food Service Sales</td>
</tr>
</tbody>
</table>

Many revenue object codes may be used with more than one resource code. For example, Revenue Object 8281, FEMA, uses Resource 5652 and Resource 5650 for FEMA revenues for which reports to the federal government are required.
**Procedure 310  Resource (Project/Reporting) Classification**

**Resource and Balance Sheet Accounts**

The resource field also applies to balance sheet accounts. At year-end the resource field will identify the ending balance of restricted resources (e.g., Special Education, ROC/P, Instructional Materials, County Community Schools, Juvenile Court). This field will also identify deferred revenues and the amounts due to other governmental agencies (e.g., NCLB, Title I, Vocational Education, Special Education discretionary grants).

Depending on how the LEA's financial system is programmed, balance sheet accounts such as Cash and Accounts Payable may include the resource field at the time of the transaction or may be identified as a part of year-end closing procedures. However, when year-end data are submitted to the California Department of Education (CDE), the balance sheet accounts must be identified by resource because at the state level, the resource field is used to separate the unrestricted portion of the general fund from the restricted portion of the general fund. If the balance sheet accounts have not been posted with the resource field during the year, the unrestricted and restricted accounts will be out of balance, and an additional closing entry will be needed before the information is submitted to CDE.

For example, when the accounts payable staff pays the LEA's bills, the detailed expenditure transaction (the debit) is entered into the financial system by the accounts payable staff; however, the entry to the cash account (the credit) is usually an automatic entry made by the financial system.

Most financial systems have been programmed to post any automatic balance sheet entries to the resource field. LEAs using these systems will automatically have all balance sheet transactions posted to the resource field, and no additional entry is needed at year-end.

Some financial systems may not be programmed to post automatic balance sheet entries to the resource field. In these LEAs, for state reporting purposes, the unrestricted and restricted general funds will be out of balance and an entry must be made to cash to balance the restricted and unrestricted resources. (Example 3 in Procedure 605 illustrates how an LEA would prepare this entry.)

**Table of Resource Codes**
Procedure 310  Resource (Project/Reporting) Classification

The Table of Resource Codes contains the resources in numerical order with the most commonly associated revenue object codes, their number from the Catalog of Federal Domestic Assistance (CFDA), and a D/F designation. Depending on the conditions placed on the receipt or expenditure of certain restricted funds, the revenue of a restricted program is recognized in the period in which it is received, and at year-end the unspent balance, or carryover, is reflected as ending balance. These resources are indicated with F (fund balance). The revenue of other restricted resources is recognized in the period when expended, and carryover is recorded as deferred revenue. These resources are indicated with D (deferred revenue).

CDE maintains a standardized account code structure (SACS) query that provides the most current information regarding resources, including new resources established subsequent to the release of this manual. In addition, a comprehensive list of the program cost accounts (PCAs) assigned by the CDE Budget Office and associated with the resources is maintained and updated periodically with the SACS validation table updates. The reference tools are located on the SACS Web page under "Program Codes" at:

http://www.cde.ca.gov/fg/ac/ac/

Obsolete Resource Codes

If a resource becomes obsolete, it will appear in the Table of Resource Codes for one year with its final fiscal year in parentheses next to the title. For example, a resource with "(09-10)" in the California School Accounting Manual (CSAM) indicates that the last year that funding was available for this resource was fiscal year 2009-10. This resource code would then be eliminated in the subsequent edition of CSAM. LEAs may need to maintain this resource code in their general ledger to track carryover of balances for a longer period. Therefore, the resource code will remain in the matrix of valid combinations for a period of three years subsequent to the fiscal year in which funds were available for that resource. In the previous example, the resource would remain in the matrix for fiscal years 2010-11, 2011-12, and 2012-13 to allow for expenditure of carryover balances.

Flexibility of the Resource Field
LEAs are required to code their transactions to at least the minimum resource level required by CDE. However, LEAs may also use more detailed CDE-defined optional resource codes (indicated by italics in the resource code listing). LEAs may create locally defined resource codes but only within the specific ranges shown following. Required and optional codes are reported to CDE; locally defined codes must be rolled up by the LEA when reporting data to CDE. For further information, see "Optional and Locally Defined Codes" and "Reporting Data to the State," beginning on page 301-4.

Resource codes are assigned by CDE just as PCA codes are assigned by CDE's Budget Office. Generally, CDE assigns resource codes only to funding sources administered by CDE. Thus, an LEA receiving program funding directly from the United States Department of Education will establish a locally defined federal resource in the Other Federal: Locally Defined range (5800–5999).

The LEA may not create its own locally defined resource codes except within the following specified ranges:

- **0001–0999**: Unrestricted: Locally Defined
- **4230–4250**: Bilingual Education, Discretionary Grants
- **4410–4430**: Educational Technology
- **4710–4730**: Gifted and Talented Education (federal)
- **5210–5240**: Head Start
- **5800–5999**: Other Restricted Federal: Locally Defined
- **7701–7799**: State School Facilities Funds
- **7800–7999**: Other Restricted State: Locally Defined
- **9000–9999**: Other Restricted Local: Locally Defined

*Note*: The range 9000–9999, Other Local: Locally Defined, including Resource 9010, Other Restricted Local, is used only for local revenue that is restricted by the donor or by law for specific purposes. Unrestricted local revenue, including those amounts "restricted" to or earmarked for a particular purpose by the LEA governing board, should be reported using the range 0001–0999, Unrestricted: Locally Defined.

When data are submitted to CDE, LEAs must roll up all resources within these ranges to the specific resource code indicated for each in the Table of Resource Codes.
## Procedure 310  Resource (Project/Reporting) Classification

### Table of Resource Codes

*(Italicized codes are optional; if used, they must be reported to CDE.)*

(See previous section for explanation of table references.)

<table>
<thead>
<tr>
<th>Resource Code</th>
<th>Resource Description</th>
<th>Revenue Object</th>
<th>D/F</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000–1999</td>
<td>UNRESTRICTED RESOURCES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0000</td>
<td>Unrestricted</td>
<td>8010–8099, 8110, 8260, 8270, 8280, 8281, 8290, 8311, 8425, 8434, 8540, 8550, 8590, 8631, 8632, 8639, 8660, 8671, 8672, 8674, 8689, 8691, 8699, 8910–8919, 8980</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0001–0999</td>
<td>Unrestricted: Locally defined These codes are used at the option of the LEA to track unrestricted revenues that do not have reporting requirements. When reporting to CDE, LEAs must roll up these resources to Resource 0000.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1000–1999</td>
<td>Unrestricted Resources: Reporting or Special Accounting Required</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Procedure 310 Resource (Project/Reporting) Classification

<table>
<thead>
<tr>
<th>Resource Code</th>
<th>Resource Description</th>
<th>Revenue Object</th>
<th>D/F</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100</td>
<td>Lottery: Unrestricted</td>
<td>8560</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>1200*</td>
<td>Class Size Reduction, Grade Nine</td>
<td>8435</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8980</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8990</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1300</td>
<td>Class Size Reduction, Grades K–3</td>
<td>8434</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8699</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8980</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8990</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2000–9999</strong></td>
<td><strong>RESTRICTED RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2000–2999</strong></td>
<td><strong>Restricted Revenue Limit Resources</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2200</td>
<td>Continuation Education <em>(Education Code sections 42244 and 48438)</em></td>
<td>8091</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>2400</td>
<td>Juvenile Court/County Community Schools</td>
<td>8091</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>2410</td>
<td>Juvenile Court <em>(Education Code Section 1982.5)</em></td>
<td>8091</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>2420</td>
<td>County Community Schools <em>(Education Code sections 1980–1982.3)</em></td>
<td>8091</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>2430</td>
<td>Community Day Schools <em>(Education Code sections 48660–48667)</em></td>
<td>8091</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>2900</td>
<td>Other Restricted Revenue Limit Sources</td>
<td>8091</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td><strong>3000–5999</strong></td>
<td><strong>Federal Resources Restricted</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3010</td>
<td>NCLB: Title I, Part A, Basic Grants Low-Income and Neglected</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3011</td>
<td>NCLB: ARRA Title I, Part A, Basic Grants Low-Income and Neglected</td>
<td>8290</td>
<td>D</td>
<td>84.389</td>
</tr>
<tr>
<td>3012</td>
<td>NCLB: Title I, Part A, Program Improvement School Assistance and Intervention Teams (SAIT)</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3013</td>
<td>NCLB: Title I, Part A, School Improvement SAIT Correctional Plans</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3020</td>
<td>NCLB: Title I, Basic School Support</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3025</td>
<td>NCLB: Title I, Part D, Local Delinquent Programs</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3026</td>
<td>NCLB: ARRA, Title I, Part D, Local Delinquent Programs</td>
<td>8290</td>
<td>D</td>
<td>84.389</td>
</tr>
<tr>
<td>3030</td>
<td>NCLB: Title I, Part B, Reading First Program</td>
<td>8290</td>
<td>D</td>
<td>84.357</td>
</tr>
<tr>
<td>3031</td>
<td>NCLB: Title I Part B, Reading First Pilot Project, Special Education Teachers</td>
<td>8290</td>
<td>D</td>
<td>84.357</td>
</tr>
<tr>
<td>3040</td>
<td>NCLB: Title I, Migrant Ed Mini Corps Project <em>(Regular and Summer)</em></td>
<td>8290</td>
<td>D</td>
<td>84.011</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8990</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Procedure 310  Resource (Project/Reporting) Classification

<table>
<thead>
<tr>
<th>Resource Code</th>
<th>Resource Description</th>
<th>Revenue Object</th>
<th>D/F</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>3041</td>
<td>NCLB: Title I, Migrant Ed Mini Corps Summer Project</td>
<td>8990</td>
<td>D</td>
<td>84.011</td>
</tr>
<tr>
<td>3045</td>
<td>NCLB: Title I, Migrant Ed Statewide PASS Project</td>
<td>8290</td>
<td>D</td>
<td>84.011</td>
</tr>
<tr>
<td>3060</td>
<td>NCLB: Title I, Part C, Migrant Ed (Regular and Summer Program)</td>
<td>8290 8990</td>
<td>D</td>
<td>84.011</td>
</tr>
<tr>
<td>3061</td>
<td>NCLB: Title I, Migrant Ed Summer Program</td>
<td>8990</td>
<td>D</td>
<td>84.011</td>
</tr>
<tr>
<td>3090</td>
<td>NCLB: Title I, Part D, Adult Correctional (09-10)</td>
<td>8290</td>
<td>D</td>
<td>84.013</td>
</tr>
<tr>
<td>3105</td>
<td>NCLB: Title I, Even Start Family Literacy</td>
<td>8290</td>
<td>D</td>
<td>84.213</td>
</tr>
<tr>
<td>3110</td>
<td>NCLB: Title I, Part C, Even Start Migrant Ed (MEES)</td>
<td>8290</td>
<td>D</td>
<td>84.011</td>
</tr>
<tr>
<td>3150</td>
<td>NCLB: Schoolwide Programs (SWP)</td>
<td>8290 8990</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3155</td>
<td>NCLB: Consolidated Administrative Funds</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>3170</td>
<td>NCLB: Title I, Part F, Comprehensive School Reform (CSR) (09-10)</td>
<td>8290</td>
<td>D</td>
<td>84.332</td>
</tr>
<tr>
<td>3172</td>
<td>NCLB: Title I, Achieving Schools Award</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3175</td>
<td>NCLB: Title I, Part A, Program Improvement District Intervention</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3176</td>
<td>NCLB: Title I, Part A, Program Improvement District Supplemental Grants</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3177</td>
<td>NCLB: Title I, Part A, Prevention of Local Educational Agency Intervention Program</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3178</td>
<td>NCLB: Title I, Part A, Non-Program Improvement LEAs with Program Improvement Schools</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3180</td>
<td>NCLB: Title I, School Improvement Grant</td>
<td>8290</td>
<td>D</td>
<td>84.010 84.377</td>
</tr>
<tr>
<td>3181</td>
<td>NCLB: ARRA Title I, School Improvement Grants</td>
<td>8290</td>
<td>D</td>
<td>84.388 84.389</td>
</tr>
<tr>
<td>3185</td>
<td>NCLB: Title I, Part A, Program Improvement LEA Corrective Action Resources</td>
<td>8290</td>
<td>D</td>
<td>84.010</td>
</tr>
<tr>
<td>3200</td>
<td>ARRA: State Fiscal Stabilization Fund</td>
<td>8290</td>
<td>F</td>
<td>84.394</td>
</tr>
<tr>
<td>3205</td>
<td>Education Jobs Fund</td>
<td>8290</td>
<td>D</td>
<td>84.410</td>
</tr>
<tr>
<td>3310</td>
<td>Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611 (formerly PL 94-142)</td>
<td>8181 8287</td>
<td>D</td>
<td>84.027</td>
</tr>
<tr>
<td>3311</td>
<td>Special Ed: IDEA Local Assistance, Part B, Sec 611, Private School ISPs</td>
<td>8181</td>
<td>D</td>
<td>84.027</td>
</tr>
<tr>
<td>3312</td>
<td>Special Ed: IDEA Local Assistance, Part B, Sec 611, Early Intervening Services</td>
<td>8990</td>
<td>D</td>
<td>84.027</td>
</tr>
<tr>
<td>3313</td>
<td>Special Ed: ARRA IDEA Part B, Sec 611, Basic Local Assistance</td>
<td>8181</td>
<td>D</td>
<td>84.391</td>
</tr>
</tbody>
</table>
## Procedure 310  Resource (Project/Reporting) Classification

<table>
<thead>
<tr>
<th>Resource Code</th>
<th>Resource Description</th>
<th>Revenue Object</th>
<th>D/F</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>3314</td>
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## Procedure 310  Resource (Project/Reporting) Classification

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### Procedure 310  Resource (Project/Reporting) Classification

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<tr>
<td>7366</td>
<td>Supplementary Programs: Foster Youth in Licensed Foster Homes</td>
<td>8590</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>7367</td>
<td>Supplementary Programs: Foster Youth Services Juvenile Detention</td>
<td>8590</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>7370*</td>
<td>Supplementary Programs: Specialized Secondary</td>
<td>8590</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>7385*</td>
<td>County Oversight, Williams Case</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7386</td>
<td>Fiscal Solvency Plans</td>
<td>8590</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>7390*</td>
<td>Pupil Retention Block Grant</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7391</td>
<td>School Community Violence Prevention Grant</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7392*</td>
<td>Teacher Credentialing Block Grant</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7393*</td>
<td>Professional Development Block Grant</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7394*</td>
<td>Targeted Instructional Improvement Block Grant</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7395*</td>
<td>School and Library Improvement Block Grant</td>
<td>8590</td>
<td>F</td>
<td></td>
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<tr>
<td>7400</td>
<td>Quality Education Investment Act</td>
<td>8590</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>7701–7799</td>
<td>State School Facilities Projects</td>
<td>8545</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>These codes are used to track capital projects funded by the Office of Public School Construction. When reporting to CDE, LEAs must roll up these resources to Resource 7710.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>7710</td>
<td>State School Facilities Projects</td>
<td>8590</td>
<td>D/F</td>
<td></td>
</tr>
<tr>
<td>7800–7999</td>
<td>Other Restricted State: Locally defined</td>
<td>8980</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td></td>
<td>These codes are used, at the option of the LEA, to track all other restricted state revenues not defined elsewhere. When reporting to CDE, LEAs must roll up these resources to Resource 7810.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>7810</td>
<td>Other Restricted State</td>
<td>8590</td>
<td>D/F</td>
<td></td>
</tr>
<tr>
<td><strong>8000–9999</strong></td>
<td><strong>Local Resources Restricted</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8100</td>
<td>Routine Repair and Maintenance (RRRMF: <em>Education Code</em> Section 17014)</td>
<td>8980</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>8150</td>
<td>Ongoing and Major Maintenance Account (RMA: <em>Education Code</em> Section 17070.75)</td>
<td>8980</td>
<td>F</td>
<td></td>
</tr>
</tbody>
</table>
### Procedure 310  Resource (Project/Reporting) Classification

<table>
<thead>
<tr>
<th>Resource Code</th>
<th>Resource Description</th>
<th>Revenue Object</th>
<th>D/F</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>9000–9999</td>
<td>Other Restricted Local: Locally defined These codes are used, at the option of the LEA, to track all other local revenues or other financing sources that are not defined elsewhere and that are restricted to specific purposes by the donor or by law. (Refer to pages 310-1 and 310-5 for additional discussion of restricted programs and activities.) When reporting to CDE, LEAs must roll up these resources to Resource 9010.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9010</td>
<td>Other Restricted Local</td>
<td>8610–8699</td>
<td>D/F</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8931–8979</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Procedure 320 Goal Classification

The goal field defines an objective or a set of objectives for the LEA. Another way to view the goal is to look at the instructional setting or the group of students who are receiving instructional services: regular classes, special education classes, vocational education, adult education, or community service, for example.

How the Goal Field Is Used

The goal field provides the framework for charging instructional costs and support costs to the benefiting objectives. For example, both a special education teacher (an instruction function) and a special education counselor (a guidance and counseling function) would be charged to a Special Education goal.

The goal field applies primarily to expenditure accounts, but it may be used with revenue accounts. However, a 5xxx goal is required with both special education revenue and expenditure accounts.

Those expenditures in activities (functions) that are not directly assignable to a goal at the time of expenditure are charged to Goal 0000, Undistributed. Costs remaining in Goal 0000 are eventually distributed to benefiting goals using standardized allocation factors (see Procedure 910).

In general, the following guidelines should be used in coding goals with functions:

Instructional Goals (Goals 1000–6999) and Nonagency Goals (Goals 7100–7199):

- Typically used with Function 1000, Instruction, and the Special Education instructional functions 1100 through 1199. May be used with Function 4000, Ancillary Services.
- May be used with functions 2000–2999, Instruction-Related Services, and functions 3000–3999, Pupil Services, if the expenditures can be directly identified and supported with a goal.

Community Services and Child Care Services Goals (Goals 8100 and 8500):

- Typically used with Function 5000, Community Services.
Procedure 320  Goal Classification

- May be used with Function 3600, Pupil Transportation, and Function 3700, Food Services, if the expenditures can be directly identified and supported with a goal.
- Undistributed Goal (Goal 0000):
  - May be used with those expenditures in functions 2000–2999, Instruction-Related Services; functions 3000–3999, Pupil Services; functions 7000–7999, General Administration; and functions 8000–8999, Plant Services.
  - LEAs may wish to transfer Goal 0000 costs to other goals on the basis of supporting documentation or allocation factors. The transfers are done using Object 5710, Transfers of Direct Costs, and Object 5750, Transfers of Direct Costs—Interfund. For additional information, see Procedure 615.

Flexibility of the Goal Field

LEAs are required to code their transactions to at least the minimum goal level required by CDE. However, LEAs may also create their own locally defined goal codes. Required codes are reported to CDE; locally defined codes must be rolled up by the LEA when reporting data to CDE. For further information, see "Optional and Locally Defined Codes" and "Reporting Data to the State," beginning on page 301-4.

CDE has provided two specific ranges of goals for use as locally defined codes:

- Goals 1130–1999, for local definition of regular K–12 instruction. When reporting data to CDE, LEAs must roll up these goals to Goal 1110, Regular Education, K–12
- Goals 4130–4399, for local definition of regular adult education. When reporting data to CDE, LEAs must roll up these goals to Goal 4110, Regular Education, Adult.

Importance of the Goal Field in Program Cost Accounting

The goal field provides the framework for program cost accounting. It is important to understand and apply the appropriate costing principles when
charging costs to the benefiting goals. (Procedure 910 addresses these principles.)

Salaries and wages direct-charged to a goal will, in most cases, require supporting documentation. The level of documentation needed depends on whether the funding for the program is restricted or unrestricted and whether the program is instructional or noninstructional (refer to Procedure 905).

Nonpersonnel costs direct-charged to a goal should be substantiated by documentation that identifies the program(s) that received the service, supply, or equipment. The dated signature of a program administrator on a tracking document acknowledging receipt of the service, supply, or equipment is usually sufficient to validate the charge.
**Procedure 320  Goal Classification**

**List of Goal Codes**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000</td>
<td>UNDISTRIBUTED</td>
</tr>
<tr>
<td>0001–6999</td>
<td>INSTRUCTIONAL</td>
</tr>
<tr>
<td>0001–0999</td>
<td>General Education, Pre-K</td>
</tr>
<tr>
<td>0001</td>
<td>General Education, Pre-K</td>
</tr>
<tr>
<td>1000–3999</td>
<td>General Education, K–12</td>
</tr>
<tr>
<td>1110</td>
<td>Regular Education, K–12</td>
</tr>
<tr>
<td>1130–1999</td>
<td>Other K–12 Subject Matter and Other K–12 Tracking—Locally defined (When reporting data to CDE, LEAs must roll up these goals to Goal 1110.)</td>
</tr>
<tr>
<td>2000–2999</td>
<td>Reserved for Future State Definition for Other Subject Matter and Other Tracking</td>
</tr>
<tr>
<td>3100</td>
<td>Alternative Schools</td>
</tr>
<tr>
<td>3200</td>
<td>Continuation Schools</td>
</tr>
<tr>
<td>3300</td>
<td>Independent Study Centers</td>
</tr>
<tr>
<td>3400</td>
<td>Opportunity Schools</td>
</tr>
<tr>
<td>3500</td>
<td>County Community Schools (county offices only)</td>
</tr>
<tr>
<td>3550</td>
<td>Community Day Schools</td>
</tr>
<tr>
<td>3600</td>
<td>Juvenile Courts</td>
</tr>
<tr>
<td>3700</td>
<td>Specialized Secondary Programs</td>
</tr>
<tr>
<td>3800</td>
<td>Vocational Education</td>
</tr>
<tr>
<td>4000–4749</td>
<td>General Education, Adult</td>
</tr>
<tr>
<td>4110</td>
<td>Regular Education, Adult</td>
</tr>
<tr>
<td>4130–4399</td>
<td>Other Subject Matter and Other Tracking, Adult—Locally defined (When reporting data to CDE, LEAs must roll up these goals to Goal 4110.)</td>
</tr>
<tr>
<td>4610</td>
<td>Adult Independent Study Centers</td>
</tr>
<tr>
<td>4620</td>
<td>Adult Correctional Education</td>
</tr>
<tr>
<td>4630</td>
<td>Adult Vocational Education</td>
</tr>
<tr>
<td>4750–4999</td>
<td>Supplemental Education, K–12</td>
</tr>
<tr>
<td>4760</td>
<td>Bilingual</td>
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</table>
## Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>4850</td>
<td>Migrant Education</td>
</tr>
<tr>
<td>4900</td>
<td>Other Supplemental Education (county offices only)</td>
</tr>
<tr>
<td>5000–5999</td>
<td>Special Education</td>
</tr>
<tr>
<td>5001</td>
<td>Special Education—Unspecified</td>
</tr>
<tr>
<td>5050</td>
<td>Regionalized Services</td>
</tr>
<tr>
<td>5060</td>
<td>Regionalized Program Specialist</td>
</tr>
<tr>
<td>5710</td>
<td>Special Education, Infants</td>
</tr>
<tr>
<td>5730</td>
<td>Special Education, Preschool Students</td>
</tr>
<tr>
<td>5750</td>
<td>Special Education, Ages 5–22 Severely Disabled</td>
</tr>
<tr>
<td>5770</td>
<td>Special Education, Ages 5–22 Nonseverely Disabled</td>
</tr>
<tr>
<td>6000–6999</td>
<td>Regional Occupational Center/Program (ROCP)</td>
</tr>
<tr>
<td>7000–9999</td>
<td>OTHER GOALS</td>
</tr>
<tr>
<td>7100–7199</td>
<td>Nonagency</td>
</tr>
<tr>
<td>7110</td>
<td>Nonagency—Educational</td>
</tr>
<tr>
<td>7150</td>
<td>Nonagency—Other</td>
</tr>
<tr>
<td>8100–8199</td>
<td>Community Services</td>
</tr>
<tr>
<td>8100</td>
<td>Community Services</td>
</tr>
<tr>
<td>8500–8599</td>
<td>Child Care and Development Services</td>
</tr>
<tr>
<td>8600–8699</td>
<td>County Services to Districts</td>
</tr>
<tr>
<td>9000–9999</td>
<td>Other Goals—Locally Defined</td>
</tr>
<tr>
<td>9000</td>
<td>Other Local Goals</td>
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Goal Code Definitions

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000</td>
<td>UNDISTRIBUTED</td>
</tr>
</tbody>
</table>

Undistributed expenditures are expenditures other than those for instruction, ancillary services, and community service functions that are not directly assignable at the time of transaction to a specific goal.

Expenditures accumulated in Goal 0000 can be distributed to benefiting goals based on supporting documentation or will eventually be distributed to benefiting goals using standardized allocation factors. Goal 0000 is also used for revenues and balance sheet transactions for which a goal is not required. Generally, use Goal 0000, Undistributed, with an enterprise fund. The costs in an enterprise fund are not included in the program cost report (PCR), nor are the goals of an enterprise fund necessary for the LEA’s government-wide statements.

Pursuant to guidance in Procedure 905, county offices of education that have staff within the county office or county board of education performing similar support-type activities for their own LEA and for their school districts may charge the costs as follows:

- 50 percent to Goal 0000, Undistributed (for general administrative support)
- 50 percent to Goal 8600, County Services to Districts

<table>
<thead>
<tr>
<th>0001–6999</th>
<th>INSTRUCTIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>0001–0999</td>
<td>General Education, Pre-K</td>
</tr>
</tbody>
</table>

| 0001  | General Education, Pre-K. A group of activities and/or services that provides educational experiences for children during the year or years preceding kindergarten that is part of a sequential program of an elementary school and is under the direction of a qualified teacher. The term "general" refers to basic skill areas that emphasize beginning literacy and numeracy. General Education, Pre-K, does not include special education. |
# Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>This goal would include those child development programs that require teachers to possess a children's center instructional permit.</td>
</tr>
<tr>
<td></td>
<td>Local child care programs that are not subsidized by state or federal funds and that are operated with the intent of recovering the costs of the program through parent fees or other charges are typically accounted for in an enterprise fund.</td>
</tr>
<tr>
<td>1000–3999</td>
<td><strong>General Education, K–12.</strong> A group of activities and/or services that provides students in kindergarten through grade 12 (K–12) with learning experiences that prepare them for roles as citizens, family members, and employable workers. The term &quot;general&quot; refers to basic skill areas that emphasize literacy, numeracy, and knowledge in languages, mathematics, sciences, history and related social studies, arts, and other subject areas, including vocational and technical education.</td>
</tr>
<tr>
<td>1110</td>
<td><strong>Regular Education, K–12.</strong> Educational programs that are designed to serve the vast majority of the public school student population in traditional settings. This goal should generally not be used by county offices of education except for a county-operated K–12 charter school or a county-operated non Pre-K child development program that requires teachers to possess a children's center instructional permit.</td>
</tr>
<tr>
<td>1130–1999</td>
<td><strong>Other K–12 Subject Matter and Other K–12 Tracking—Locally defined.</strong> LEAs may use these codes to locally track regular K–12 education expenditures by subject matter. They may include languages, mathematics, sciences, history and related social studies, and arts. When reporting data to CDE, LEAs must roll up these goals to Goal 1110.</td>
</tr>
<tr>
<td>2000–2999</td>
<td><strong>Reserved for Future State Definition for Other Subject Matter and Other Tracking</strong></td>
</tr>
<tr>
<td>3100</td>
<td><strong>Alternative Schools.</strong> A school or separate class group established in a school district or county office of education that is operated to (a) maximize the opportunity for students to develop self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, and joy; (b) recognize that the best learning takes place when the student learns because of his or her desire to learn; (c) maintain a learning situation maximizing student self-motivation and encouraging the student in his or her own time to follow his or her own interests; (d) maximize the opportunity for teachers, parents, and students to cooperatively develop the learning process and its subject matter; and (e) maximize the opportunity for the students, teachers, and parents to continually react to the changing world (Education Code Section 58500).</td>
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</table>
### Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>3200</td>
<td><strong>Continuation Schools.</strong> Schools and classes established by high school and unified school districts to provide all of the following: (a) an opportunity for pupils to complete the academic courses of instruction to graduate from high school; (b) a program of instruction that emphasizes occupational orientation or a work-study schedule and offers intense guidance services to meet the special needs of pupils; and (c) a program designed to meet the educational needs of each pupil, including, but not limited to, independent study, regional occupational programs, work study, career counseling, and job placement services as a supplement to classroom instruction (Education Code Section 48430). Continuation schools are funded with Resource 2200, Continuation Education.</td>
</tr>
<tr>
<td>3300</td>
<td><strong>Independent Study Centers.</strong> Study centers conducting activities undertaken by school districts pursuant to Education Code sections 46300(e) and 51745–51749 to provide certain students with the option of schooling apart from classrooms. For reporting purposes, include in this goal only those activities that provide full-time education pursuant to a written agreement, as required by statutes and regulations, as an alternative to daily attendance in a classroom. Do not include students participating in limited periods of full-time independent study because of illness, family vacation, and so on.</td>
</tr>
<tr>
<td>3400</td>
<td><strong>Opportunity Schools.</strong> Alternative school, class, or program placements that may be provided by school districts or county boards of education for pupils who demonstrate irregular attendance or who are at risk of being habitually truant or who are in danger of becoming insubordinate or disorderly during their attendance. The intent is to provide instruction to resolve the problems so that the students may maintain themselves in regular classes or return to regular classes or regular schools as soon as practicable (Education Code sections 48640 and 48641).</td>
</tr>
<tr>
<td>3500</td>
<td><strong>County Community Schools (COE only).</strong> Schools established by a county board of education and administered by the county superintendent for (a) pupils who have been expelled from a school district; (b) pupils who have been referred to county community schools by a school district on the recommendation of a school attendance review board or whose school districts of attendance have, at the request of the pupils' parents or guardians, approved the pupils' enrollment in a county community school; (c) pupils who are probation-referred pursuant to the Welfare and Institutions Code or are on probation or parole and not in attendance in any school or expelled; and (d) homeless children (Education Code Section...</td>
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</tbody>
</table>
## Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>1981). County community schools are funded by Resource 2400, Juvenile Court/County Community Schools (or optional Resource 2420, County Community Schools).</td>
</tr>
<tr>
<td>3550</td>
<td><strong>Community Day Schools.</strong> Schools established by a governing board of a school district or county office of education for students who (a) have been expelled for any reason; (b) are on probation pursuant to the <em>Welfare and Institutions Code</em>; or (c) are referred by a School Attendance Review Board (SARB) or any other attendance review board (<em>Education Code</em> sections 48660–48667). Community day schools are funded by Resource 2430, Community Day Schools.</td>
</tr>
<tr>
<td>3600</td>
<td><strong>Juvenile Courts.</strong> Public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, camps, and so forth provided by the county board of education or by contract with the governing board of the local school district (<em>Education Code</em> Section 48645). Juvenile Court schools are funded by Resource 2400, Juvenile Court/County Community Schools (or optional Resource 2410, Juvenile Court).</td>
</tr>
<tr>
<td>3700</td>
<td><strong>Specialized Secondary Programs.</strong> Secondary schools established to provide advanced instruction and training in high-technology fields and in the performing arts. These schools benefit the state economy by providing talented students with enhanced learning opportunities in high-technology fields and in the performing arts while the students are enrolled in schools that are in close proximity to where the industries are located (<em>Education Code</em> Section 58800).</td>
</tr>
<tr>
<td>3800</td>
<td><strong>Vocational Education.</strong> Refers to skill areas, such as distributive education, health, home economics, industrial arts, technology, and trades, designed to prepare students for gainful employment. The Vocational Education goal is used to track the costs of vocational education students and is not used for adult education, ROCP, or special education costs.</td>
</tr>
<tr>
<td>4000–4749</td>
<td><strong>General Education, Adult.</strong> Refers to a group of activities and/or services for adults who have not completed or have interrupted their formal schooling and have subsequently taken on adult roles and responsibilities. Programs in which adults develop knowledge and skills to meet their immediate and long-range educational objectives include activities to foster the development of fundamental tools of learning; prepare students for a postsecondary career or postsecondary education program; upgrade occupational competence; prepare students for a new or different career; develop skills and appreciation for special interests; and enrich the aesthetic qualities of life. Adult basic education is included in these goals (<em>Education Code</em> sections 41976 and 52610).</td>
</tr>
</tbody>
</table>
## Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>4110</td>
<td><strong>Regular Education, Adult.</strong> Educational programs that are designed to serve the vast majority of the adult student population in more traditional settings.</td>
</tr>
<tr>
<td>4130–4399</td>
<td><strong>Other Subject Matter and Other Tracking, Adult—Locally defined.</strong> LEAs may use these codes to locally track regular adult education expenditures by subject matter. They may include languages, mathematics, sciences, history and related social studies, and arts. When reporting data to CDE, LEAs must roll up these goals to Goal 4110.</td>
</tr>
<tr>
<td>4610</td>
<td><strong>Adult Independent Study Centers.</strong> Study centers providing adult education classes and courses through independent study for adult students as defined in <em>Education Code</em> Section 41976.2.</td>
</tr>
<tr>
<td>4620</td>
<td><strong>Adult Correctional Education.</strong> Classes established for prisoners in any county jail, county honor farm, county industrial farm, or county or joint-county road camp for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical, and general education (<em>Education Code</em> sections 1900 and 41841.5).</td>
</tr>
<tr>
<td>4630</td>
<td><strong>Adult Vocational Education.</strong> Refers to skill areas, such as distributive education, health, home economics, industrial arts, technology, and trades, designed to prepare adult students for gainful employment.</td>
</tr>
<tr>
<td>4750–4999</td>
<td><strong>Supplemental Education, K–12.</strong> A group of activities and/or services designed to meet the needs of students in areas other than the basic skill areas. Supplemental education does not include special education.</td>
</tr>
<tr>
<td>4760</td>
<td><strong>Bilingual.</strong> Activities and/or services provided to students from homes where English is not the primary language.</td>
</tr>
<tr>
<td>4850</td>
<td><strong>Migrant Education.</strong> Activities and/or services provided for children under the age of 18 of migrant agricultural workers and migratory fishermen whose situations require additional resources through regional coordinating offices (<em>Education Code</em> sections 54440–54445). This goal is used with the migrant education resources.</td>
</tr>
<tr>
<td>4900</td>
<td><strong>Other Supplemental Education (COE only).</strong> Activities or programs offered by county offices of education to directly serve students who attend other schools and who are not students of the county office, such as Foster Youth Services or</td>
</tr>
</tbody>
</table>
## Procedure 320 Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tutors for Indian Education. This goal may be associated with Function 1000, Instruction, or Function 3110, Guidance and Counseling, for example. County offices of education use Goal 3100 when providing services to students in their own programs, such as the Cal-SAFE County Classroom/Pregnant Minors Program, or Goal 8600 when providing services such as nursing or psychological services to direct service districts.</td>
</tr>
<tr>
<td>5000–5999</td>
<td><strong>Special Education.</strong> Activities and/or services to students with exceptional needs who are assigned individualized education programs (IEPs). The activities and/or services in the IEPs are designed for students with exceptional mental or physical needs and incorporate distinctive techniques, materials, and arrangements to suit their learning needs. Psychologist services for assessment testing for students with an IEP are coded to goals 5000–5999, using Function 3120, Psychological Services.</td>
</tr>
<tr>
<td>5001</td>
<td><strong>Special Education—Unspecified.</strong> This code is used to account for the costs of services that are not identified for a specific special education population or setting as listed below. Goal 5001 may not be used with the special education instruction functions. These costs must be directly charged to a definitive special education goal, such as Goal 5750, Special Education, Ages 5–22 Severely Disabled.</td>
</tr>
<tr>
<td>5050</td>
<td><strong>Regionalized Services.</strong> Regionalized services to local special education programs include personnel development for staff, parents, and community; data collection; curriculum development; and provision for ongoing review of programs under the local plan (<em>Education Code</em> Section 56836.23).</td>
</tr>
<tr>
<td>5060</td>
<td><strong>Regionalized Program Specialist.</strong> A program specialist has a special credential and advanced training in special education to assist instructional staff, plan programs, and provide staff development in a specialized area (<em>Education Code</em> sections 56362 and 56368). If a program specialist is working in a specific special education setting, his or her cost should be charged to that goal. If a program specialist is working on a regionalized basis, his or her cost should be charged to Goal 5060.</td>
</tr>
<tr>
<td>5710</td>
<td><strong>Special Education, Infants.</strong> Children who are younger than three years of age and are identified by the district, the special education local plan area, or the county office as requiring intensive special education and services as defined by the State Board of Education (<em>Education Code</em> Section 56026[c][1]).</td>
</tr>
</tbody>
</table>
Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>5730</td>
<td>Special Education, Preschool Students. Children with exceptional needs between the ages of three and five years inclusive (Education Code Section 56440). A five-year-old who meets the eligibility criteria to be identified as a kindergartner shall be included in either Goal 5750 or Goal 5770 (Education Code Section 56441.1).</td>
</tr>
<tr>
<td>5750</td>
<td>Special Education, Ages 5–22 Severely Disabled. Students between the ages of five (who have been identified as kindergartners) and 18 years identified as requiring intensive special education and services and students between the ages of 19 and 21 years, and certain students 22 years of age, who are enrolled in or eligible for a special education program prior to their 19th birthday and have not yet completed the prescribed course of study or who have not met proficiency standards or have not graduated from high school with a regular high school diploma (Education Code Section 56026). Severely disabled students have the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, and/or severe mental retardation (Education Code Section 56030.5).</td>
</tr>
<tr>
<td>5770</td>
<td>Special Education, Ages 5–22 Nonseverely Disabled. Students between the ages of five (who have been identified as kindergartners) and 18 years identified as requiring special education services and students between the ages of 19 and 21 years, and certain students 22 years of age, who are enrolled in or eligible for a special education program prior to their 19th birthday and have not yet completed the prescribed course of study or who have not met proficiency standards or have not graduated from high school with a regular high school diploma (Education Code Section 56026). Nonseverely disabled students are those who are not identified as severely disabled.</td>
</tr>
<tr>
<td>6000–6999</td>
<td>Regional Occupational Center/Program (ROCP)</td>
</tr>
<tr>
<td>6000</td>
<td>Regional Occupational Center/Program (ROCP). Refers to skill areas, such as agriculture, distributive education, health, home economics, industrial arts, technology, and trades designed to prepare students for gainful employment.</td>
</tr>
<tr>
<td>7000–9999</td>
<td>OTHER GOALS</td>
</tr>
<tr>
<td>7100–7199</td>
<td>Nonagency</td>
</tr>
</tbody>
</table>
| 7110 | Nonagency—Educational. Refers to activities conducted on behalf of another local educational agency (LEA) by contract or agreement for which the other
### Procedure 320  Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LEA retains the prime responsibility. An LEA is defined as all K–12 public educational agencies, including charter schools. Such services may be instructional or supportive in nature. Use for costs of providing special education, transportation, cafeteria, or any other services to other LEAs where the other LEA retains primary responsibility for providing those services.</td>
</tr>
<tr>
<td>7150</td>
<td><strong>Nonagency—Other.</strong> Refers to activities conducted on behalf of a non-LEA agency by contract or agreement for which the other agency retains the prime responsibility. Such services may be instructional or supportive in nature. Contracts for a non-LEA, such as a community college or a private school, would be coded to this goal.</td>
</tr>
<tr>
<td>8100–8199</td>
<td><strong>Community Services</strong></td>
</tr>
<tr>
<td>8100</td>
<td><strong>Community Services.</strong> A group of activities and/or services not directly related to the educational purpose and goals of an LEA. These include services and activities as authorized by the Community Recreation Act (<em>Education Code</em> Section 10900 et seq.) and by the Civic Center Act (<em>Education Code</em> Section 38130 et seq.).</td>
</tr>
<tr>
<td>8500–8599</td>
<td><strong>Child Care and Development Services</strong></td>
</tr>
<tr>
<td>8500</td>
<td><strong>Child Care and Development Services.</strong> A group of activities and/or services pertaining to the operation of programs for the care of children in residential day schools or child care and development programs that are not a part of, or directly related to, LEA instructional goals. Child care and development programs that require teachers to possess a children's center instructional permit should be reported in an instructional goal, such as Goal 0001, General Education, Pre-K.</td>
</tr>
<tr>
<td>8600–8699</td>
<td><strong>County Services to Districts</strong></td>
</tr>
<tr>
<td>8600</td>
<td><strong>County Services to Districts (or other county offices).</strong> Includes those activities performed by the county superintendent of schools in support of school districts or other offices of county superintendents of schools, including, but not limited to, the following: (a) coordination activities and professional services, such as supervision of instruction, health, guidance, special education, attendance, and school library services (<em>Education Code</em> Section 1700 et seq.); (b) financial services (<em>Education Code</em> Section 42100 et seq.); and (c) credential services (<em>Education Code</em> Section 44330).</td>
</tr>
</tbody>
</table>
Procedure 320   Goal Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pursuant to Procedure 905, county offices of education that have staff within the county office or county board of education performing similar support-type activities for their own LEA and for their school districts may charge the costs as follows:</td>
</tr>
</tbody>
</table>
|          | • 50 percent to Goal 8600, County Services to Districts  
|          | • 50 percent to Goal 0000, Undistributed (for general administrative support)                                                            |
| 9000–9999| **Other Goals—Locally Defined.** These codes are used, at the option of the LEA, to track other local goals that are not defined elsewhere. CDE will consider these activities to be undistributed goal costs. |
| 9000     | **Other Local Goals.** Report local goals not defined elsewhere. These goals will be treated as Goal 0000, Undistributed, by the CDE financial reporting software and will be allocated among appropriate goals on the program cost report/allocation factor (PCR/PCRAF) work sheets. |
Procedure 325  Function (Activity) Classification

The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

The function field represents a general operational area in an LEA and groups together related activities. The function describes the activities or services performed in order to accomplish a set of objectives or goal. Most LEAs use all of the functions in the process of educating students or organizing the resources to educate students. For example, to provide the appropriate atmosphere for learning, school districts transport students to school, teach students, feed students, and provide health services. Each of these activities is a function.

How the Function Field Is Used

All expenditures must be coded to a function. Although the function field applies mainly to expenditure accounts, it may be used with revenue accounts and balance sheet accounts at the discretion of the LEA.

In general, the following guidelines should be used in coding functions in combination with goals:

- Expenditures coded to instructional functions (1000–1999), ancillary service functions (4000–4999), or community service functions (5000–5999) must be directly charged to a specific goal. Goal 0000, Undistributed, and Goal 5001, Special Education—Unspecified, are not allowed with these three categories of functions.

- Expenditures coded to support service functions (2000–2999, 3000–3999) may be charged to a specific goal at the time of the transaction when there is supporting documentation. Expenditures coded to these functions that cannot be identified to a specific goal...
Procedure 325 Function (Activity) Classification

are charged to Goal 0000 and subsequently distributed to specific goals using documentation or standard allocation factors.

- Expenditures coded to general administration functions (7000–7999) are normally charged to Goal 0000 and subsequently distributed as central administrative costs.

- Expenditures coded to Function 8100, Plant Maintenance and Operations, and Function 8700, Facilities Rents and Leases, may be charged to a specific goal at the time of the transaction when there is supporting documentation (refer to the description of Function 8700 for specific limitations of that function). Expenditures coded to these functions that cannot be identified to a specific goal are charged to Goal 0000 and subsequently distributed to specific goals, using documentation or standard allocation factors.

- See the procedures in Section 900, "Cost Accounting," for information regarding indirect costs and distributing support costs using the documented and allocated methods.

Flexibility of the Function Field

LEAs are required to code their transactions to at least the minimum function level required by CDE. However, LEAs may also use more detailed CDE-defined optional function codes (indicated by italics in the function code listing) or create their own locally defined function codes. Required and optional codes are reported to CDE; locally defined codes must be rolled up by the LEA when reporting data to CDE. For further information, see "Optional and Locally Defined Codes" and "Reporting Data to the State," beginning on page 301-4.

Importance of the Function Field in the Indirect Cost Rate Calculation

The function field is the basis for determining direct and indirect costs and for calculating the LEA's approved indirect cost rate. Charging expenditures to improper functions may result in an indirect cost rate that is too low or too high. An inaccurate rate may cause problems both in claiming indirect costs on federal and state programs and in calculating future rates. Therefore, it is important that LEAs have an understanding of the difference between agencywide general administration expenditures.
(indirect costs) and school- or program-level expenditures (direct costs). Care should be taken that only countywide or districtwide administrative activities remain in general administration (functions 7200–7999). (Refer to Procedure 915 for further information on the indirect cost rate process.)
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List of Function Codes

(Italicized codes are optional; if used, they must be reported to CDE.)

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000</td>
<td><strong>NOT APPLICABLE.</strong> Used with revenues and balance sheet transactions that do not require a function; only expenditure transactions require a function.</td>
</tr>
<tr>
<td>1000–1999</td>
<td><strong>INSTRUCTION</strong></td>
</tr>
<tr>
<td>1000</td>
<td>Instruction</td>
</tr>
<tr>
<td>1001–1099</td>
<td>Instruction for Other Than Special Education—Locally defined (When reporting data to CDE, LEAs must roll up these functions to Function 1000.)</td>
</tr>
<tr>
<td>1100–1199</td>
<td>Special Education Instruction</td>
</tr>
<tr>
<td>1110</td>
<td>Special Education: Separate Classes</td>
</tr>
<tr>
<td>1120</td>
<td>Special Education: Resource Specialist Instruction</td>
</tr>
<tr>
<td>1130</td>
<td>Special Education: Supplemental Aids and Services in Regular Classrooms</td>
</tr>
<tr>
<td>1180</td>
<td>Special Education: Nonpublic Agencies/Schools (NPA/S)</td>
</tr>
<tr>
<td>1190</td>
<td>Special Education: Other Specialized Instructional Services</td>
</tr>
<tr>
<td>2000–2999</td>
<td><strong>INSTRUCTION-RELATED SERVICES</strong></td>
</tr>
<tr>
<td>2100</td>
<td>Instructional Supervision and Administration</td>
</tr>
<tr>
<td>2110</td>
<td>Instructional Supervision</td>
</tr>
<tr>
<td>2120</td>
<td>Instructional Research</td>
</tr>
<tr>
<td>2130</td>
<td>Curriculum Development</td>
</tr>
<tr>
<td>2140</td>
<td>In-house Instructional Staff Development</td>
</tr>
<tr>
<td>2150</td>
<td>Instructional Administration of Special Projects</td>
</tr>
<tr>
<td>2200</td>
<td>Administrative Unit (AU) of a Multidistrict SELPA</td>
</tr>
<tr>
<td>2420</td>
<td>Instructional Library, Media, and Technology</td>
</tr>
<tr>
<td>2490</td>
<td>Other Instructional Resources</td>
</tr>
<tr>
<td>2495</td>
<td>Parent Participation</td>
</tr>
<tr>
<td>2700</td>
<td>School Administration</td>
</tr>
<tr>
<td>3000–3999</td>
<td><strong>PUPIL SERVICES</strong></td>
</tr>
<tr>
<td>3110</td>
<td>Guidance and Counseling Services</td>
</tr>
<tr>
<td>3120</td>
<td>Psychological Services</td>
</tr>
<tr>
<td>3130</td>
<td>Attendance and Social Work Services</td>
</tr>
<tr>
<td>3140</td>
<td>Health Services</td>
</tr>
<tr>
<td>3150</td>
<td>Speech Pathology and Audiology Services</td>
</tr>
<tr>
<td>3160</td>
<td>Pupil Testing Services</td>
</tr>
</tbody>
</table>
## Procedure 325  Function (Activity) Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>3600</td>
<td>Pupil Transportation</td>
</tr>
<tr>
<td>3700</td>
<td>Food Services</td>
</tr>
<tr>
<td>3900</td>
<td>Other Pupil Services</td>
</tr>
<tr>
<td>4000</td>
<td><strong>ANCILLARY SERVICES</strong></td>
</tr>
<tr>
<td>4100</td>
<td>School-Sponsored Co-curricular</td>
</tr>
<tr>
<td>4200</td>
<td>School-Sponsored Athletics</td>
</tr>
<tr>
<td>4900</td>
<td>Other Ancillary Services</td>
</tr>
<tr>
<td>5000</td>
<td><strong>COMMUNITY SERVICES</strong></td>
</tr>
<tr>
<td>5100</td>
<td>Community Recreation</td>
</tr>
<tr>
<td>5400</td>
<td>Civic Services</td>
</tr>
<tr>
<td>5900</td>
<td>Other Community Services</td>
</tr>
<tr>
<td>6000</td>
<td><strong>ENTERPRISE</strong></td>
</tr>
<tr>
<td>6000</td>
<td>Enterprise</td>
</tr>
<tr>
<td>7100</td>
<td><strong>GENERAL ADMINISTRATION</strong></td>
</tr>
<tr>
<td>7110</td>
<td>Board and Superintendent</td>
</tr>
<tr>
<td>7120</td>
<td>Staff Relations and Negotiations</td>
</tr>
<tr>
<td>7150</td>
<td>Superintendent</td>
</tr>
<tr>
<td>7180</td>
<td>Public Information</td>
</tr>
<tr>
<td>7190</td>
<td>External Financial Audit—Single Audit</td>
</tr>
<tr>
<td>7191</td>
<td>External Financial Audit—Other</td>
</tr>
<tr>
<td>7200</td>
<td>Other General Administration</td>
</tr>
<tr>
<td>7210</td>
<td>Indirect Cost Transfers</td>
</tr>
<tr>
<td>7300</td>
<td>Fiscal Services</td>
</tr>
<tr>
<td>7310</td>
<td>Budgeting</td>
</tr>
<tr>
<td>7320</td>
<td>Accounts Receivable</td>
</tr>
<tr>
<td>7330</td>
<td>Accounts Payable</td>
</tr>
<tr>
<td>7340</td>
<td>Payroll</td>
</tr>
<tr>
<td>7350</td>
<td>Financial Accounting</td>
</tr>
<tr>
<td>7360</td>
<td>Project-Specific Accounting</td>
</tr>
<tr>
<td>7370</td>
<td>Internal Auditing</td>
</tr>
<tr>
<td>7380</td>
<td>Property Accounting</td>
</tr>
<tr>
<td>7390</td>
<td>Other Fiscal Services</td>
</tr>
<tr>
<td>7400</td>
<td>Personnel/Human Resources Services</td>
</tr>
<tr>
<td>7410</td>
<td>Staff Development</td>
</tr>
</tbody>
</table>
## Procedure 325  Function (Activity) Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>7430</td>
<td>Credentials</td>
</tr>
<tr>
<td>7490</td>
<td>Other Personnel/Human Resources Services</td>
</tr>
<tr>
<td>7500</td>
<td>Central Support</td>
</tr>
<tr>
<td>7510</td>
<td>Planning, Research, Development, and Evaluation</td>
</tr>
<tr>
<td>7530</td>
<td>Purchasing</td>
</tr>
<tr>
<td>7540</td>
<td>Warehousing and Distribution</td>
</tr>
<tr>
<td>7550</td>
<td>Printing, Publishing, and Duplicating</td>
</tr>
<tr>
<td>7600</td>
<td>All Other General Administration</td>
</tr>
<tr>
<td>7700</td>
<td>Centralized Data Processing</td>
</tr>
</tbody>
</table>

### 8000–8999  PLANT SERVICES

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8100</td>
<td>Plant Maintenance and Operations</td>
</tr>
<tr>
<td>8110</td>
<td>Maintenance</td>
</tr>
<tr>
<td>8200</td>
<td>Operations</td>
</tr>
<tr>
<td>8300</td>
<td>Security</td>
</tr>
<tr>
<td>8400</td>
<td>Other Plant Maintenance and Operations</td>
</tr>
<tr>
<td>8500</td>
<td>Facilities Acquisition and Construction</td>
</tr>
<tr>
<td>8700</td>
<td>Facilities Rents and Leases</td>
</tr>
</tbody>
</table>

### 9000–9999  OTHER OUTGO

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>9100</td>
<td>Debt Service</td>
</tr>
<tr>
<td>9200</td>
<td>Transfers Between Agencies</td>
</tr>
<tr>
<td>9300</td>
<td>Interfund Transfers</td>
</tr>
</tbody>
</table>
### Function Code Definitions

(Italicized codes are optional; if used, they must be reported to CDE.)

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000</td>
<td><strong>NOT APPLICABLE.</strong> This code is used for revenues and balance sheet transactions for which a function is not required. All expenditures must be coded to one of the functions below.</td>
</tr>
</tbody>
</table>

#### 1000–1999 INSTRUCTION

Generally used with goals 1000–7000; may be used with Goal 8500, Child Care and Development Services, and Goal 4900, Other Supplemental Education.

1000  **Instruction.** Instruction includes the activities dealing directly with the interaction between teachers and students. Teaching may be provided for students in a school classroom or in another location, such as a home or hospital. It may also be provided through some other approved medium, such as computers, television, radio, telephone, and correspondence. Included here are the activities of aides or classroom assistance of any type (e.g., readers, teaching machines) that assist in the instructional process. Also included are noon-duty personnel.

Expenditures for instructional technology, which include costs for computers, routers and servers, software licenses, communication lines, and computer maintenance, may be coded to Function 1000, Instruction, where they can be identified directly with the classroom.

If a stipend is paid to a teacher for any noninstructional function, the stipend should be coded to the appropriate function.

Expenditures for department chairpersons who teach part time should be prorated using the full-time-equivalent (FTE) ratio. Full-time department chairpersons' expenditures should be included in Function 2700, School Administration.

Instructional functions may not be used in capital project funds.
### Procedure 325  Function (Activity) Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1001–1099</td>
<td><strong>Instruction for Other Than Special Education</strong>—Locally defined. LEAs may use these codes to locally track instruction expenditures other than for special education. When reporting data to CDE, LEAs must roll up these functions to Function 1000, Instruction.</td>
</tr>
<tr>
<td>1100–1199</td>
<td><strong>Special Education Instruction.</strong> Specialized instruction provided to special education students with individualized education programs (IEPs). These functions measure the salaries and associated costs of those personnel who work directly with the students to teach them. The following instructional functions must be used with the special education goals; they may not be used with Goal 5001, Special Education—Unspecified.</td>
</tr>
<tr>
<td>1110</td>
<td><strong>Special Education: Separate Classes.</strong> Salaries, supplies, and other costs to provide separate instruction requiring placement in a separate setting because of the nature or severity of the students' special needs. Instruction may be provided in special classrooms on a part-time or a full-time basis (<em>Education Code</em> Section 56364). Students may receive a full continuum of services (<em>Education Code</em> Section 56361); however, this function records the cost of only one of those services, that of the separate class.</td>
</tr>
<tr>
<td>1120</td>
<td><strong>Special Education: Resource Specialist Instruction.</strong> Salaries, supplies, and other costs to provide instruction and services for those students whose needs have been identified in an IEP, who receive services under the direction of a resource specialist, and who are assigned to another classroom or a special education separate class for a majority of a school day (<em>Education Code</em> Section 56362). Students may receive a full continuum of services (<em>Education Code</em> Section 56361); however, this function records the cost of only one of those services, that of the resource specialist.</td>
</tr>
<tr>
<td>1130</td>
<td><strong>Special Education: Supplemental Aids and Services in Regular Classrooms.</strong> Salaries, supplies, and other costs needed to allow a student to receive instruction provided in a regular education classroom or in an instructional setting other than those provided for in Function 1110, Special Education: Separate Classes; Function 1120, Resource Specialist Instruction; or Function 1180, Nonpublic Agencies/Schools. Supplemental aids and services make possible program modifications and blended programs with more flexibility for the special education student. Function 1130 services include, but are not limited to, the following:</td>
</tr>
</tbody>
</table>
### Procedure 325  Function (Activity) Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Special Education Instructional Aides.</strong> Teaching assistants necessary to allow a special education student to participate in a regular classroom.</td>
</tr>
<tr>
<td></td>
<td><strong>Interpreter Services.</strong> Sign language interpretation of spoken language through the sign system of the student and tutoring of students regarding class content through the sign system of the student.</td>
</tr>
<tr>
<td></td>
<td><strong>Braille Services.</strong> Transcription services to convert materials from print to Braille. Transcription is for textbooks, tests, work sheets, or other instructional necessities.</td>
</tr>
<tr>
<td></td>
<td><strong>Assistive Technology.</strong> Devices that allow a student to participate in a regular classroom environment.</td>
</tr>
<tr>
<td></td>
<td><strong>Special Education Home and Hospital Instruction.</strong> Instructional services provided to students with special needs who are either homebound or in a hospital.</td>
</tr>
<tr>
<td>1180</td>
<td><strong>Special Education: Nonpublic Agencies/Schools (NPA/S).</strong> Instruction in accord with an IEP provided by a certified NPA/S under contract with a district, special education local plan area (SELPA), or county office when no appropriate public education program is available (<em>Education Code</em> Section 56365).</td>
</tr>
</tbody>
</table>
| 1190 | **Special Education: Other Specialized Instructional Services.** Specialized instruction provided in accordance with an IEP on a pullout and/or blended basis to any special education student to supplement the instruction provided in a separate special education class, a nonpublic school, or a regular education setting. These services are instructional in nature and are provided by or under the supervision of certificated special education teachers. Other health, counseling, or psychological services provided to a special education student to help him or her benefit educationally from the regular instruction program are coded under the Pupil Services functions. The difference between types of services in an instructional function and a pupil services function sometimes may be difficult to distinguish. The main question to bear in mind is whether the student is receiving direct instruction or is being given a supplemental health or other professional service that facilitates instruction. For example, an adaptive physical education teacher provides an instructional service in which the main purpose of the class is to provide physical education. A nurse or dentist provides health care that enhances the physical condition of a student so that she or he is better able to participate in an instructional setting. As another example, a speech teacher may teach students using special techniques to help them speak and understand verbal...
Procedure 325  Function (Activity) Classification

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<td>signals, which would be coded to Function 1190; but a speech specialist, who diagnoses specific speech disorders and refers problems for medical or other professional attention to treat speech disorders, is more properly coded to Function 3150, Speech Pathology and Audiology Services.</td>
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</table>

Function 1190 services include, but are not limited to, the following:

- **Language and Speech.** Instruction provided by a certificated teacher in language and speech skills to provide remedial intervention for students with difficulty understanding or using spoken language. The difficulty may result from problems with articulation, abnormal voice quality, fluency, or hearing loss.

- **Adaptive Physical Education.** Direct physical education services provided by an adaptive physical education teacher to pupils who have needs that cannot be adequately satisfied in other physical education programs.

- **Orientation and Mobility Instruction.** Instruction for students with identified visual impairments to develop skills in body awareness and movement around school and in the community.

- **Vocational Education Training.** Instruction directly related to the preparation of individuals for paid or unpaid employment. This instruction may include provision for work experience, job coaching, job placement, and situational assessment.

- **Vision Services.** This is a broad category of services provided to students with visual impairments. Assessment of an individual's visual ability should be coded to Function 3140, Health Services. The cost of classroom visual aids, such as curriculum modification and Braille textbooks, used in a general classroom setting should be coded to Function 1130. Other specialized vision services coded to Function 1190 include the student's concept development; instruction in communication skills, such as reading Braille; and career, vocational, and independent living skills.

- **Education Technological Services.** Any specialized training or technical support for the incorporation of assistive devices, adaptive computer technology, or specialized media for the educational programs of the student.
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<th>Code</th>
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<td></td>
<td><strong>Assistive Services.</strong> Training or technical assistance for students. See Pupil Services functions for the functional analysis of the student's need, including selecting, designing, fitting, customizing, or repairing appropriate devices.</td>
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<td></td>
<td><strong>Sign Language Service.</strong> Instruction in the use of sign language. This training is provided separately for the student. The provision of interpreters in the classroom is coded to Function 1130, Supplemental Aids and Services in Regular Classrooms.</td>
</tr>
<tr>
<td>2000–2999</td>
<td><strong>INSTRUCTION-RELATED SERVICES.</strong> Instruction-related services provide administrative, technical, and logistical support to facilitate and enhance instruction. These services exist as adjuncts for fulfilling the objectives of instruction, community services, and enterprise programs rather than as entities within themselves.</td>
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</table>
| 2100          | **Instructional Supervision and Administration.** Activities primarily for assisting instructional staff in planning, developing, and evaluating the process of providing learning experiences for students. These activities include curriculum development and staff training on techniques of instruction and awareness of how children develop and learn. This function includes both staff members who are directors or supervisors of programs, such as special education, bilingual education, or similar programs, as well as staff who are singularly involved with projects to improve curriculum and guidance of teachers in the use of instructional materials.  

This function also includes the instructional administration of special projects. Special projects are those that may have their own project directors; are approved and funded from a specific resource, including federal, state, local, or private agencies; require special project budgets and audits; and may require financial reports. Special projects usually are conducted entirely in support of an instructional program or another support program. Examples of federal special projects include NCLB: Title I, Part A, Basic Grants Low-Income and Neglected, and Special Education: IDEA Local Staff Development Grant. Examples of state special projects include Economic Impact Aid and the Quality Education Investment Act.  

Salaries and associated costs of staff members who provide supplemental administrative services for a program above the general level provided by the business office, or services normally required of program managers, should be charged here. Include costs of program monitoring and preparing program plans. |
### Procedure 325  Function (Activity) Classification

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<td>Because these costs are generally associated with a specific program, they may be charged to a specific resource.</td>
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<td>Include legal costs directly identifiable with administration of an instructional program; use in combination with a specific resource, where allowed.</td>
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<td></td>
<td>Pursuant to guidance in Procedure 905, the costs of assistant superintendents for instruction or equivalent positions having first-line responsibility for instructional administration and for participation in district/county policy may be charged as follows:</td>
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<tr>
<td></td>
<td>• 50 percent to Instructional Supervision and Administration (Function 2100)</td>
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<td></td>
<td>• 50 percent to Other General Administration (Function 7200)</td>
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<tr>
<td></td>
<td>Function 2100 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.</td>
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#### 2110 Instructional Supervision (Optional). Activities associated with directing, managing, and supervising instructional services.

#### 2120 Instructional Research (Optional). Activities associated with assessing programs and instruction based on research.

#### 2130 Curriculum Development (Optional). Activities that aid teachers in developing the curriculum, preparing and utilizing special curriculum materials, and understanding and appreciating the various techniques to stimulate and motivate students.

#### 2140 In-house Instructional Staff Development (Optional). Expenditures for staff or consultants to develop curriculum for the professional or occupational growth and competence of instructional staff members during the time of their service to the school system or school. These activities include guiding teachers in the use of instructional materials, administering sabbaticals, providing the environment for in-service training, and so forth. The corresponding function for activities associated with developing training programs for non-instructional personnel is Function 7410, Staff Development.
## Procedure 325 Function (Activity) Classification

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<td><em>The cost of a consultant who works with teachers outside the classroom should be charged to Function 2140, Staff Development, and Object 5800, Professional and Consulting Services and Operating Expenditures.</em></td>
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<td><em>A fee paid for an employee to attend a conference or a salary stipend for attending a staff development conference should follow the function of the employee. For example, the cost of a classroom teacher improving his or her ability to teach is an instructional cost, an &quot;activity dealing directly with the interaction between teachers and students,&quot; and should be charged to Function 1000. Likewise, the cost of a school nurse attending a staff development conference should be coded to Function 3140, Health Services. The cost of a maintenance employee attending staff development should be coded to Function 8100, Plant Maintenance and Operations. (Please refer to the examples in Procedure 625.)</em></td>
</tr>
<tr>
<td>2150</td>
<td><strong>Instructional Administration of Special Projects (Optional).</strong> Activities associated with the administration of special projects, such as Title I or migrant education. Special projects usually are conducted entirely in support of an instructional program or another support program. Include salaries of directors or supervisors of instruction-related special projects and associated clerical or program support staff. Include costs of preparing program plans, program monitoring, and performance (program-specific) audits. Costs will generally be associated with a specific resource and may have a specific goal.</td>
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<tr>
<td>2200</td>
<td><strong>Administrative Unit (AU) of a Multidistrict SELPA.</strong> Activities concerned with the receipt and distribution of regionalized services funds, provision of administrative support, and coordination of the implementation of the local plan (Education Code Section 56195). Activities of the AU of a single-district SELPA are reported under Function 2100.</td>
</tr>
<tr>
<td>2420</td>
<td><strong>Instructional Library, Media, and Technology.</strong> Activities concerned with the use of all teaching and learning resources, including hardware and content materials, methods, or experiences used for teaching and learning purposes. These activities consist of selecting, preparing, caring for, and making available to members of the instructional staff audiovisual equipment and material, education programs presented through television services, and computer-assisted instruction services. This category also includes guiding individuals in the use of library books and materials. All educational media include printed and nonprinted sensory materials. Instructional technology costs identified with computer labs and other instructional support centers may be charged to the instructional library, media, and technology function, where they can be directly identified with it.</td>
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**Procedure 325   Function (Activity) Classification**

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<td></td>
<td>Direct charges to the instructional library, media and technology function include salaries of librarians, library clerks, audiovisual personnel, and personnel who are involved in writing, programming, and directing ongoing educational television and computer-based instructional programs; benefits for employees in this program; library books, regardless of where they are placed in the district; audiovisual materials; repair and maintenance of equipment used in this program; and acquisition and replacement of audiovisual and library equipment.</td>
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</table>

Examples of activities or items excluded as direct charges to the instructional library, media, and technology function are as follows:

1. Textbooks (to be charged to the appropriate instructional function)
2. Specific or special materials that are used exclusively in an instructional program or project and that are not part of the central library (to be charged to the appropriate instructional function as instructional supplies)
3. Computer-assisted instructional activities of an experimental nature (to be charged to instructional supervision and administration)

Function 2420 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.

2490 **Other Instructional Resources.** Other activities and materials that provide students the resources to achieve appropriate student learning outcomes.

2495 **Parent Participation (Optional).** Activities designed to include the parents in the student’s education.

2700 **School Administration.** Activities concerned with directing and managing the operation of a particular school. The activities include those performed by the principal, assistant principals, and other assistants while they supervise all operations of the school, evaluate the staff members, assign duties to staff members, supervise and maintain the school records, and coordinate school instructional activities with those of the LEA. These activities also include the work of clerical staff in support of the teaching and administrative duties, including school-level attendance recording and reporting. Other school administration services include graduation expenditures and department chairpersons.
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<td>Pursuant to guidance in Procedure 905:</td>
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<td>Small school districts and charter schools that have one person performing the functions of both the principal and the superintendent may charge the costs as follows:</td>
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<td>• 70 percent to School Administration (Function 2700)</td>
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<td>• 30 percent to Board and Superintendent (Function 7100)</td>
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<td></td>
<td>Small school districts and charter schools with staff members performing support duties for both school administration and business office administration may charge the costs as follows:</td>
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<td></td>
<td>• 70 percent to School Administration (Function 2700)</td>
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<td></td>
<td>• 30 percent to Other General Administration (Function 7200)</td>
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<td></td>
<td>Function 2700 is generally used with Goal 0000, Undistributed. It may be used with goals 1000–6999 if only one goal is served at the school (e.g., if the school only provides Special Education or ROC/P services). It may also be used with goals 7110–7150, Nonagency, Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.</td>
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3000–3999  PUPIL SERVICES

3110  Guidance and Counseling Services. Activities involving counseling with students and parents; consulting with other staff members on learning problems; evaluating the abilities of students; assisting students as they make their own educational and career plans and choices; assisting students in personal and social development; providing referral assistance; and working with other staff members in planning and conducting guidance programs for students.

Function 3110 includes information services, appraisal services, placement services, counseling services, and record maintenance services, as follows:

Information Services. Activities for disseminating educational, occupational, personal, and social information to help acquaint students with the curriculum and with educational and vocational opportunities and requirements. Such information may be provided directly to students through activities such as
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<th>Code</th>
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<td>group or individual guidance, or it may be provided indirectly to students through staff members or parents.</td>
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**Appraisal Services.** Activities that assess student characteristics. They are used in administration, instruction, and guidance to assist the student in assessing his or her purposes and progress in career and personality development.

**Placement Services.** Activities that help place students in appropriate situations while they are in school. These could be educational situations, part-time employment while they are in school, and appropriate educational and occupational situations after they leave school. These activities also help ease the student's transition from one educational experience to another. The transition may require, for example, admissions counseling, referral services, assistance with records, and follow-up communications with employers.

**Counseling Services.** Activities concerned with the relationship between one or more counselors and one or more students or between counselors and other staff members. These activities are intended to help students understand their educational, personal, and occupational strengths and limitations; relate their abilities, emotions, and aptitudes to educational and career opportunities; utilize their abilities in formulating realistic plans; and achieve satisfying personal and social development.

**Record Maintenance Services.** Activities for compiling, maintaining, and interpreting cumulative records of individual students, including systematic consideration of such factors as:

- Home and family background
- Physical and medical status
- Standardized test results
- Personal and social development
- School performance

Function 3110 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.
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The following counseling services in this function should be coded to goals 5000–5999, Special Education:

**Behavior Management Services.** Services provided pursuant to an IEP to teachers, parents, or students by a professional counselor to promote lasting, positive changes in the student's behavior. These services result in the student gaining greater access to a variety of community settings, social contacts, public events, and placement in the least restrictive environment (*Title 5, California Code of Regulations, Section 3001[e]*)

**Individual Counseling.** One-on-one counseling pursuant to an IEP. Counseling may focus on educational, career, or personal aspects. It may include parents or staff members. Used with the special education goal, this service is expected to supplement the regular guidance and counseling program.

**Group Counseling.** Counseling in a group setting pursuant to an IEP. Typically, group counseling centers on social skills development, but it may also focus on educational, career, or personal aspects. It may be conducted with parents or staff. Used with the special education goal, this service is expected to supplement the regular guidance and counseling program.

**Guidance Services.** Interpersonal, intrapersonal, or family interventions pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students. These services are expected to supplement the regular guidance and counseling program.

**Parent Counseling.** Individual or group counseling pursuant to an IEP to assist parents of special education students in better understanding and meeting their children's needs. Many counseling sessions include parenting skills or other pertinent issues. IEP-required parent counseling is expected to supplement the regular guidance and counseling program.

**Psychological Services.** Activities concerned with administering psychological tests and interpreting the results; gathering and interpreting information about student behavior; working with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests and behavioral evaluations; and planning and managing a program of psychological services, including psychological counseling for students, staff, and parents.
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<td>Function 3120 services include the following:</td>
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<td><strong>Psychological Testing Services.</strong> Activities concerned with administering psychological tests, standardized tests, and inventory assessments. These tests measure ability, aptitude, achievement, interests, and personality. Activities also include the interpretation of these tests for students, school personnel, and parents.</td>
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<td><strong>Psychological Counseling Services.</strong> Activities that take place between a school psychologist or other qualified person, a counselor, and one or more students in which the students are helped to perceive, clarify, and solve problems of adjustment and interpersonal relationships.</td>
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<td></td>
<td><strong>Psychotherapy Services.</strong> Activities that provide a therapeutic relationship between a qualified mental health professional and one or more students in which the students are helped to perceive, clarify, and solve emotional problems.</td>
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<td>Function 3120 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.</td>
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<td>Psychologist services for assessment testing for students with an individualized education program (IEP) are coded to goals 5000–5999.</td>
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<td>3130</td>
<td><strong>Attendance and Social Work Services.</strong> Activities designed to improve student attendance at school and prevent or solve student problems involving the home, the school, and the community. Attendance services consist of such activities as early identification of patterns of absence, promotion of pupils' and parents' positive attitudes toward attendance, analysis of causes of absences, and enforcement of compulsory attendance laws. The time spent on attendance recording and reporting on a school-level or districtwide basis is charged to the school or general administration function.</td>
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|       | Social work services consist of such professional services as diagnosing the problems of pupils arising out of the home, school, or community; undertaking casework services for the child or parent or both; interpreting the pupils' problems for other staff members; and promoting modification of the circumstances surrounding the individual pupil that is related to his or her problem insofar as the
### Procedure 325  Function (Activity) Classification

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<td>resources of family, school, and community can be brought to bear on the problem.</td>
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Function 3130 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.

**Health Services.** Physical and mental health services that are not direct instruction. Included are activities that provide students with appropriate medical, dental, and nursing services, as follows:

- **Medical Services.** Activities concerned with the physical and mental health of students, such as health appraisal, including screening for vision, communicable diseases, and hearing deficiencies; screening for psychiatric services; periodic health examinations; emergency injury and illness care; and communications with parents and medical personnel.

- **Dental Services.** Activities associated with dental screening, dental care, and orthodontic activities.

- **Nursing Services.** Activities associated with nursing, such as health inspection, treatment of minor injuries, and referrals for other health services.

Function 3140 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.

Goals 5000–5999, Special Education, may include the following services in this function:

- **Assessment Testing.** Individual health assessment done by a credentialed school nurse or physician for students who have or may be determined to need individualized education programs (*Education Code* Section 56324).

- **Physical Therapy.** Services provided pursuant to an IEP by a registered physical therapist or physical therapist assistant when assessment shows a discrepancy between gross motor performance and other educational skills.
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<td><strong>Occupational Therapy.</strong> Services provided to improve a student's postural stability, sensory processing and organization, environmental adaptation, motor planning and coordination, visual perception, and integration and fine motor abilities.</td>
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<td><strong>Vision Services.</strong> The assessment of functional vision and therapy to correct visual impairments.</td>
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<td></td>
<td><strong>Health and Nursing.</strong> Specialized physical health care services provided pursuant to an IEP, such as catheterization, nebulizer treatments, blood glucose monitoring, administration of oxygen, and any other specialized services that may be provided by a trained staff member and do not require the supervision of a physician. Other services provided pursuant to an IEP when a student has health problems that require nursing intervention beyond basic school health services include managing the health problem, consulting with staff, providing group and individual counseling, making appropriate referrals, and maintaining communication with agencies and health care providers.</td>
</tr>
<tr>
<td>3150</td>
<td><strong>Speech Pathology and Audiology Services.</strong> Activities that identify, assess, and treat children with speech, hearing, and language impairments. Speech pathology services consist of activities that identify children with speech and language disorders; diagnose and assess specific speech and language disorders; refer problems for medical or other professional attention necessary to treat speech and language disorders; provide required speech treatment services; and counsel and guide children, parents, and teachers, as appropriate. Audiology services consist of activities that identify children with hearing loss; determine the range, nature, and degree of hearing function; refer problems for medical or other professional attention appropriate to treat impaired hearing; treat language impairment; involve auditory training, speech reading (lip-reading), and speech conversation; create and administer programs of hearing conversation; and counsel and guide children, parents, and teachers, as appropriate. Audiological services for special education students include measurements of acuity or consultation with speech pathologists. Classroom instruction by a certificated teacher in how to speak, read, or interpret verbal signals is more properly coded to Function 1190, Special Education: Other Specialized Instructional Services.</td>
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<td>Function 3150 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal. Goals 5000–5999, Special Education, may include language and speech services to provide remedial intervention for individuals with difficulty understanding or using spoken language. Services include referral and assessment, monitoring, reviewing, and consultation.</td>
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<td>3150</td>
<td><strong>Pupil Testing Services.</strong> Cost of staff or consultants assigned to coordinate the standardized testing of students in academic contents. The cost of classroom teachers administering tests to their students during the instructional day remains a part of the instructional function. Function 3160 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. It may also be used with Goal 8500, Child Care and Development Services, and Goal 8600, County Services to Districts. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.</td>
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<tr>
<td>3160</td>
<td><strong>Pupil Transportation.</strong> Activities concerned with conveying students to and from school. Transportation other than from home to school is referred to as &quot;Other Miles,&quot; which includes field trips and transportation between school sites. Costs of &quot;Other Miles&quot; are instructional costs to the user program or project. Costs in the Pupil Transportation function include:</td>
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<td>• Transportation supervisors, directors, bus drivers, clerks, and bus maintenance personnel</td>
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<td>• Fuel, oil, tires, and parts for buses</td>
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<td>• Contracted repair of buses</td>
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<td>• Bus driver training and certification</td>
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<td>• Contracts with individuals, other districts, and firms for transporting pupils</td>
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<td>• Rental of buses</td>
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<td>• Acquisition and replacement of equipment used for transporting pupils, including buses</td>
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<td>Costs in this function exclude:</td>
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- Field trips
- Student organization trips
- Summer school miles
- Financing costs (e.g., principal and interest for acquisition of buses)
- Principal and interest on school bus loans/capital leases
- Vehicles other than those used for student transportation

Costs for transportation other than home to school ("Other Miles") that are first accumulated in Function 3600 are to be transferred to other functions and/or resources using Object 5710, Transfers of Direct Costs. (See various examples in Procedure 640.) The documented method shall be used to distribute these costs. Documentation methods could include actual costs from the bus contractor or a fixed rate per mile plus the paid driver's layover time. All charges for pupil transportation services to organizations outside the district (parent-teacher associations, recreation districts, and so on) shall be made to the appropriate ancillary or community service function.

Costs for home-to-school transportation accumulated in Function 3600 may be charged to goals 1000–7000 as documented direct support costs. All other home-to-school transportation costs are charged to Goal 0000, Undistributed, and distributed to user programs (goals) using the Pupils Transported allocation factors. (Refer to Procedure 910 for additional information regarding documenting and allocating costs.)

Costs of providing specialized transportation services (e.g., buses with wheelchair lifts, aides who accompany children on the bus) specified in IEPs of special education pupils who are severely disabled or orthopedically impaired are reported in Goal 5750, Special Education, Ages 5–22 Severely Disabled. These costs are normally reported in Resource 7240, Transportation: Special Education (SD/OI), if the LEA receives a state transportation apportionment. If these costs are initially accumulated in Resource 7230, Transportation: Home to School, they are to be transferred to Resource 7240, Goal 5750, using Object 5710, Transfers of Direct Costs.

Costs of providing transportation services specified in IEPs of special education students who are not severely disabled or orthopedically impaired are reported in special education goals other than 5750. These costs are normally reported in
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<td>Resource 7230, Transportation: Home to School, if the LEA receives a state transportation apportionment.</td>
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3700  
**Food Services.** Activities concerned with providing food to students and staff in a school or LEA. This service area includes preparing and serving regular and incidental meals, lunches, or snacks in connection with school activities and food delivery.

Costs in this function include those for:

- Food service supervisors, managers, directors, and related staff, such as bookkeepers and clerks
- Cooks and helpers
- Food purchases
- Nonfood purchases (e.g., plates, silverware, napkins) essential to providing food services to students
- Commodities
- Food services laundry
- Purchase of vehicles and other transportation costs, including insurance for those vehicles, for the purpose of transporting food from central locations to satellite locations
- Acquisition and replacement of related equipment
- Repair and maintenance of equipment used in this function
- Snacks for kindergarten classes
- Food purchased for lunches not reimbursed through the School Lunch Program

Costs in this function exclude food purchases for meetings or workshops or to instruct students on food preparation. Function 6000, Enterprise, is used for a catering service. (See the examples in Procedure 635.)

Function 3700 is generally used with Goal 0000, Undistributed.

3900  
**Other Pupil Services.** Other support services to students not classified elsewhere in the 3000 functions.

Function 3900 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific instructional goal, it may be used with that goal. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.
## Procedure 325  Function (Activity) Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>4000–4999</td>
<td><strong>ANCILLARY SERVICES</strong></td>
</tr>
<tr>
<td>4000</td>
<td><strong>Ancillary Services.</strong> School-sponsored activities during or after the school day that are not essential to the delivery of services in the functions 1000, 2000, and 3000 series. These activities are generally designed to provide students with experiences such as motivation and enjoyment and improvement of skills in either a competitive or noncompetitive setting. Generally used with goals 0001–6999.</td>
</tr>
<tr>
<td>4100</td>
<td><strong>School-Sponsored Co-curricular (Optional).</strong> School-sponsored activities, under the guidance and supervision of LEA staff, designed to provide students such experiences as motivation, enjoyment, and improvement of skills. Co-curricular activities normally supplement the regular instructional program and include such activities as band, chorus, choir, speech, and debate. Also included are student-financed and student-managed activities, such as Class of 20XX, Chess Club, Senior Prom, and Future Farmers of America. Athletics is coded to Function 4200.</td>
</tr>
<tr>
<td>4200</td>
<td><strong>School-Sponsored Athletics (Optional).</strong> School-sponsored activities, under the guidance and supervision of LEA staff members who provide opportunities for students to pursue various aspects of physical education. Athletics normally involves competition between schools and frequently involves offsetting gate receipts or fees.</td>
</tr>
<tr>
<td>4900</td>
<td><strong>Other Ancillary Services (Optional).</strong> Activities that provide students with learning experiences not included in the other Function 4000, Ancillary Services, accounts.</td>
</tr>
<tr>
<td>5000–5999</td>
<td><strong>COMMUNITY SERVICES</strong></td>
</tr>
<tr>
<td>5000</td>
<td><strong>Community Services.</strong> Activities concerned with providing community services to community participants other than students. These include activities authorized by the Community Recreation Act (Education Code Section 10900 et seq.) and by the Civic Center Act (Education Code Section 38130 et seq.). Examples of this function would be the operation of a community swimming pool, a recreation program for the elderly, or a community child care center for working parents. This function is also used for scholarship payments.</td>
</tr>
</tbody>
</table>
## Procedure 325  Function (Activity) Classification

<table>
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<tr>
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<tbody>
<tr>
<td></td>
<td>Costs in this function include paid overtime or extra time for custodial services performed entirely as a result of community services activities. Used with Goal 8100, Community Service, and Goal 8500, Child Care and Development Services.</td>
</tr>
<tr>
<td>5100</td>
<td><strong>Community Recreation (Optional).</strong> Activities concerned with providing recreation for the community as a whole or for some segment of the community. Included are such staff activities as organizing recreation programs for all citizens of the community at city parks, swimming pools, or school playgrounds.</td>
</tr>
<tr>
<td>5400</td>
<td><strong>Civic Services (Optional).</strong> Activities concerned with providing services to civic affairs or organizations. This function includes services to parent-teacher association meetings, public forums, lectures, and civil defense planning.</td>
</tr>
<tr>
<td>5900</td>
<td><strong>Other Community Services (Optional).</strong> Community services activities that cannot be classified under the preceding areas of responsibility. &quot;Other&quot; may include public library services and welfare activities.</td>
</tr>
<tr>
<td>6000–6999</td>
<td><strong>ENTERPRISE</strong></td>
</tr>
<tr>
<td>6000</td>
<td><strong>Enterprise.</strong> Activities that are financed and operated in a manner similar to private business enterprises, where the stated intent is that the costs are financed or recovered primarily through user charges. Food services that are part of child nutrition programs should not be charged here, even if the food service program is reported in an enterprise fund, but rather to Function 3700 because costs are financed in large part through federal and state revenues. This function is used when an LEA is selling goods or services to outside organizations.</td>
</tr>
<tr>
<td></td>
<td>Function 6000 should be used with activities of Fund 67, Self-Insurance Fund, and Fund 71, Retiree Benefit Fund.</td>
</tr>
<tr>
<td></td>
<td>It is generally used with Goal 0000, Undistributed.</td>
</tr>
<tr>
<td>7000–7999</td>
<td><strong>GENERAL ADMINISTRATION</strong></td>
</tr>
<tr>
<td></td>
<td>General administration refers to agencywide administrative activities that are accounted for in the general fund. General administration functions are normally used with Resource 0000, Unrestricted, and Goal 0000, Undistributed. For</td>
</tr>
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</table>
PROcedure 325    Function (Activity) Classification

<table>
<thead>
<tr>
<th>Code</th>
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<td></td>
<td>information on resource-specific administrative costs, see Function 2100, Instructional Supervision and Administration.</td>
</tr>
</tbody>
</table>

**7100**  
**Board and Superintendent.** Activities concerned with establishing and administering policy for operating the LEA.

Generally, this function is used with Goal 0000, Undistributed.

Pursuant to guidance in Procedure 905, small school districts and charter schools that have one person performing the functions of both the principal and the superintendent may charge the costs as follows:

- 70 percent to School Administration (Function 2700)
- 30 percent to Board and Superintendent (Function 7100)

**7110**  
**Board (Optional).** Activities of the elected body that has been created according to state law and vested with responsibilities for educational activities in a given administrative unit.

Costs in this function include:

- Activities of the members of the Board of Education
- Activities of the district performed in support of school district meetings
- Legal activities in interpretation of the laws and statutes and general liability situations. Note: Legal costs identifiable with a specific activity generally may be charged to that activity (e.g., Function 2100, Instructional Supervision and Administration; Function 7300, Fiscal Services; Function 7400, Personnel/Human Resources Services; Function 8500, Facilities Acquisitions and Construction).
- Services rendered in connection with any school system election, including elections of officers and bond elections

**7120**  
**Staff Relations and Negotiations (Optional).** Incremental costs of activities, not including those of the board or superintendent or their immediate staff, concerned with staff relations systemwide and the responsibilities for contractual negotiations with both instructional and noninstructional personnel. Costs in this function are included in the LEA's indirect cost pool (see "Indirect Cost Rate Work Sheet," page 915-11).
## Procedure 325  Function (Activity) Classification

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<thead>
<tr>
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</table>
| 7150 | **Superintendent (Optional).** Activities associated with the overall general administration of or executive responsibility for the entire LEA. Costs in this function include:  
  * Activities performed by the superintendent and such assistants as deputy, associate, and assistant superintendents in generally directing and managing all affairs of the LEA, unless the activities of such assistants can be placed properly into an instructional or pupil service area, in which case they would be charged to that service area  
  * Personnel and materials in the office of the chief executive officer  
  * Activities associated with community/public relations  
  * Activities associated with developing and maintaining good relationships with state and federal officials  
  * Activities associated with grant procurement |
| 7180 | **Public Information (Optional).** Writing, editing, and other activities necessary for the preparation and dissemination of educational and administrative information to the public through various news media or personal contact. |
| 7190 | **External Financial Audit—Single Audit.** Annual independent financial audits conducted pursuant to both Education Code Section 14503 and the Single Audit Act as required for LEAs that expend more than $500,000 in federal funds. Costs in this function are included in the LEA's indirect cost pool (refer to "Indirect Cost Rate Work Sheet," page 915-11). |
| 7191 | **External Financial Audit—Other.** Annual independent financial audits conducted pursuant to Education Code Section 14503, where the LEA expends less than $500,000 in federal funds and a single audit is not required. |
| 7200 | **Other General Administration.** Activities other than Board and Superintendent (functions 71xx) which manage the LEA as an overall entity. Other General Administration activities include fiscal services, personnel services, and central support services. Include attendance recording and reporting activities performed at the LEA level. Attendance activities performed at the school level should be charged to Function 2700, School Administration. Certain insurance should be charged to a specific function, such as Function 1000, Instruction, for pupil insurance and driver training vehicle insurance; Function |
Procedure 325  Function (Activity) Classification

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</tbody>
</table>

3600, Pupil Transportation, for insurance on buses; and Function 3700, Food Services, for insurance on food service vehicles. All other costs of property or general liability insurance not charged to a specific function should be charged to Function 7200, Other General Administration; or optionally to Function 7600, All Other General Administration.

Pursuant to guidance in Procedure 905:

The costs of assistant superintendents for instruction or equivalent positions having first-line responsibility for instructional administration and for participation in district/county policy may be charged as follows:

- 50 percent to Instructional Supervision and Administration (Function 2100)
- 50 percent to Other General Administration (Function 7200)

Small school districts and charter schools with staff performing support duties for both school administration and business office administration may charge the costs as follows:

- 70 percent to School Administration (Function 2700)
- 30 percent to Other General Administration (Function 7200)

Agencywide administrative costs are not directly expended in any fund other than the general fund. Because of the agencywide nature of the costs, with few exceptions, Function 7200 and its optional subfunctions 7300–7600 are used with unrestricted resources (0000–1999). They are normally used with Goal 0000, Undistributed; Goals 7100–7199, Nonagency; or Goal 8600, County Services to Districts.

7210  Indirect Cost Transfers. Use in combination with Object 7310, Transfers of Indirect Costs, and Object 7350, Transfers of Indirect Costs—Interfund, to record indirect cost transfers.

Use this function to record both the debit and credit for these transfers. For transfers within a fund, this function must balance to zero at the fund level. For interfund transfers, the function will have a balance at the fund level but must balance to zero across all funds.

7300  Fiscal Services (Optional). Activities concerned with the fiscal operations of the LEA. This function includes budgeting, receiving and disbursing, financial
## Procedure 325  Function (Activity) Classification

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<tbody>
<tr>
<td></td>
<td>and property accounting, payroll, inventory control, internal auditing, and managing funds. Include legal costs directly identifiable with fiscal services activities.</td>
</tr>
<tr>
<td>7310</td>
<td><strong>Budgeting (Optional).</strong> Activities concerned with supervising budget planning, formulation, control, and analysis.</td>
</tr>
<tr>
<td>7320</td>
<td><strong>Accounts Receivable (Optional).</strong> Activities concerned with receiving money. They include the current audit of receipts.</td>
</tr>
<tr>
<td>7330</td>
<td><strong>Accounts Payable (Optional).</strong> Activities concerned with paying out money. They include the preaudit of requisitions or purchase orders to determine whether the amounts are within the budgetary allowances and to determine whether such disbursements are lawful expenditures of the LEA.</td>
</tr>
<tr>
<td>7340</td>
<td><strong>Payroll (Optional).</strong> Activities concerned with periodically paying individuals entitled to remuneration for services rendered.</td>
</tr>
<tr>
<td>7350</td>
<td><strong>Financial Accounting (Optional).</strong> Activities concerned with maintaining records of the financial operations and transactions of the school system. They include such activities as accounting and interpreting financial transactions and account records.</td>
</tr>
<tr>
<td>7360</td>
<td><strong>Project-Specific Accounting (Optional).</strong> Activities concerned with maintaining the records of financial operations and transactions of specific projects. Examples might include business office staff assigned to construction cost accounting or preparation of analyses or reports for specific project areas or activities. For resource-specific project activities, see Function 2100, Instructional Supervision and Administration, and optional Function 2150, Instructional Administration of Special Projects.</td>
</tr>
<tr>
<td>7370</td>
<td><strong>Internal Auditing (Optional).</strong> Activities concerned with verifying the account records, which include evaluating the adequacy of the internal control system, verifying and safeguarding assets, reviewing the reliability of the accounting and reporting systems, and ascertaining compliance with established policies and procedures.</td>
</tr>
<tr>
<td>7380</td>
<td><strong>Property Accounting (Optional).</strong> Activities concerned with preparing and maintaining current inventory records of land, buildings, and equipment. These records are used in equipment control and facilities planning.</td>
</tr>
</tbody>
</table>
### Procedure 325  Function (Activity) Classification

<table>
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</thead>
<tbody>
<tr>
<td>7390</td>
<td><strong>Other Fiscal Services (Optional).</strong> Fiscal services that cannot be classified under the preceding functions.</td>
</tr>
<tr>
<td>7400</td>
<td><strong>Personnel/Human Resources Services (Optional).</strong> Activities concerned with maintaining an efficient staff for the school system. It includes such activities as recruitment and placement, staff transfers, health services, and staff accounting. Include legal costs directly identifiable with personnel/human resources services activities.</td>
</tr>
<tr>
<td>7410</td>
<td><strong>Staff Development (Optional).</strong> Activities concerned with developing districtwide training programs for noninstructional personnel in all classifications. The corresponding function for activities associated with developing training programs for instructional personnel is Function 2140, In-house Instructional Staff Development.</td>
</tr>
<tr>
<td>7430</td>
<td><strong>Credentials (Optional).</strong> Activities related to credential services.</td>
</tr>
<tr>
<td>7490</td>
<td><strong>Other Personnel/Human Resources Services (Optional).</strong> Personnel services that cannot be classified under the preceding functions.</td>
</tr>
<tr>
<td>7500</td>
<td><strong>Central Support (Optional).</strong> Activities other than general administration that support the instructional and supporting services programs. These activities include planning, research, development, evaluations, purchasing, distribution, and warehousing services for the LEA.</td>
</tr>
</tbody>
</table>
| 7510  | **Planning, Research, Development, and Evaluation (Optional).** Activities associated with conducting and managing programs of planning, research, development, and evaluation for a school system on a systemwide basis, including costs of facility planning and administration not directly identifiable with a capital project.  
  
Planning Services include activities concerned with selecting or identifying the overall, long-range goals and priorities of the organization. They also involve formulating various courses of action needed to achieve these goals. This is done by identifying needs and relative costs and benefits of each course of action.  

Research Services include activities concerned with the systematic study and investigation of the various aspects of education and undertaken to establish facts and principles.|
### Procedure 325  Function (Activity) Classification

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<tbody>
<tr>
<td></td>
<td><strong>Development Services</strong> include activities in the deliberate, evolving process of improving educational programs, such as activities using the products of research.</td>
</tr>
<tr>
<td></td>
<td><strong>Evaluation Services</strong> include activities concerned with ascertaining or judging the value or amount of an action or an outcome. Evaluation is done through a careful appraisal of previously specified data in light of the particular situation and goals previously established.</td>
</tr>
<tr>
<td>7530</td>
<td><strong>Purchasing (Optional).</strong> Activities concerned with purchasing supplies, furniture, equipment, and materials used in schools or school system operations.</td>
</tr>
<tr>
<td>7540</td>
<td><strong>Warehousing and Distribution (Optional).</strong> Activities of receiving, storing, and distributing supplies, furniture, equipment, materials, and mail.</td>
</tr>
<tr>
<td>7550</td>
<td><strong>Printing, Publishing, and Duplicating (Optional).</strong> Activities of printing and publishing administrative publications, such as annual reports, school directories, and manuals. Activities here also include centralized services for duplicating school materials and instruments, such as school bulletins, newsletters, and notices. Those costs of centralized duplicating and reproduction services that benefit specific programs may be accumulated here but should be transferred to those programs as direct costs using Object 5710, Transfers of Direct Costs, or Object 5750, Transfers of Direct Costs—Interfund.</td>
</tr>
<tr>
<td>7600</td>
<td><strong>All Other General Administration (Optional).</strong> All other general administrative services not classified elsewhere in functions 7300–7500.</td>
</tr>
<tr>
<td>7700</td>
<td><strong>Centralized Data Processing.</strong> Agencywide data processing services of an administrative nature, whether in-house or contracted. Examples of this function are costs for computer facility management, computer processing, systems development, analysis and design, and interfacing associated with general types of technical assistance to data users. Specific types of applications include attendance accounting, grade reporting, financial accounting, and human resources/personnel. Costs associated with mainframe computers, minicomputers, and networked or stand-alone microcomputers that provide services to multiple functions are recorded here.</td>
</tr>
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</table>

Costs in this function include:
Procedure 325 Function (Activity) Classification

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<tr>
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<tbody>
<tr>
<td></td>
<td>Salaries and other expenditures (including hardware/software maintenance) for PC networks that include student and general administrative software and serve multiple functions. If these costs can be directly identified as instructional or support, they should be charged to the appropriate function. See &quot;Categories of Costs,&quot; page 910-2, for information on instructional and support costs.</td>
</tr>
<tr>
<td></td>
<td>Network managers for noninstructional computer networks.</td>
</tr>
<tr>
<td></td>
<td>Salaries and other expenditures (including hardware/software maintenance) for minicomputers that include student and general administrative software and serve multiple functions.</td>
</tr>
<tr>
<td></td>
<td>Salaries and other expenditures (including hardware/software maintenance) for mainframe computers that include student and general administrative software and serve multiple functions.</td>
</tr>
<tr>
<td></td>
<td>Management Information Systems (MIS) directors</td>
</tr>
</tbody>
</table>

Data processing costs that support instructional programs (e.g., computers in the classroom, instructional computer labs, instructional networks, library computers) should be charged to Function 2420, Instructional Library, Media, and Technology, or Function 1000, Instruction. If data processing costs are accumulated in Function 7700 (for example, because one data processing person provides technology services for all functions), any instruction-related costs must be reclassified using Object 5710, Transfers of Direct Costs, to Function 2420 or 1000, as appropriate. Methods of determining the amount of instruction-related costs to transfer include work orders or a count of workstations.

Costs in this function exclude:

- Stand-alone or networked computers used by a specific functional area
- Peripherals, including terminals and printers, used by a specific functional area
- Instructional computer networks
- Instructional technology coordinators

Function 7700 is generally used with Goal 0000, Undistributed.

8000–8999 PLANT SERVICES. Activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools.
### Procedure 325  Function (Activity) Classification

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<tbody>
<tr>
<td>8100</td>
<td><strong>Plant Maintenance and Operations.</strong> This function is used for expenditures related to activities to keep the physical plant and grounds open, clean, comfortable, and in working condition and a satisfactory state of repair. This function is used to record expenditures for the maintenance and operation of the physical plant and grounds. Do not use Function 8100 for a capital project that extends the life and the value of a capital asset. (See Function 8500, Facilities Acquisition and Construction.) Function 8100 is generally used with Goal 0000, Undistributed. If directly identifiable with a specific goal, it may be used with that goal. Support costs charged directly to a specific goal require supporting documentation indicating how the costs relate to the goal.</td>
</tr>
<tr>
<td>8110</td>
<td><strong>Maintenance (Optional).</strong> Activities involved with repairing, restoring, or renovating school property, including grounds, buildings, site improvements, building fixtures, and service systems. Direct charges to the maintenance function may include contracts for repairing, restoring, or renovating the grounds, buildings, or equipment, including regrading sites and repairing retaining walls, walks, driveways, sprinkler systems, and playground apparatus or equipment; reseeding of lawns; repainting; repairs to or replacement of roofs, walls, heating and air-conditioning units, and electrical and plumbing installations; repairs to built-in fixtures; resurfacing and refinishing of floors; movement of movable walls or partitions; and acquisition and replacement of related equipment. Use for building repairs and renovations that do not meet the LEA's capitalization threshold.</td>
</tr>
<tr>
<td>8200</td>
<td><strong>Operations (Optional).</strong> Activities concerned with keeping the physical plant clean and ready for daily use. Included activities are cleaning and disinfecting; heating, lighting and ventilation; maintenance of power; moving of furniture; caring for grounds; garbage and trash disposal; laundry and dry cleaning service, including the rental of towels; rental of equipment, such as floor polishers; soft water service; and such other housekeeping activities as are repeated on a daily, weekly, monthly, or seasonal basis. Direct charges to the operations function may include salaries of directors and supervisors of operations, custodians, guards, gardeners, telephone</td>
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</tbody>
</table>

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### Procedure 325  Function (Activity) Classification

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<tr>
<td></td>
<td><em>switchboard operators, truck drivers, operational clerks, and similar employee(s); employee benefits for all employees in this program; supplies, including brooms, brushes, disinfectants, fuses, garbage cans, light bulbs and fluorescent tubes, mops, wax, soap, toilet paper, towels, outdoor flags, weed killers, and fertilizers; office supplies; repair and maintenance of equipment used in this program; acquisition and replacement of related equipment; and nonuse fees assessed by the state for unused school sites (Education Code Section 17219).</em></td>
</tr>
<tr>
<td>8300</td>
<td><strong>Security (Optional).</strong> Activities concerned with maintaining order and safety in school buildings, on the school grounds, and in the vicinity of schools at all times. Included are police activities for school functions, traffic control on grounds and in the vicinity of schools, building alarm systems, and hall monitoring services.</td>
</tr>
<tr>
<td>8400</td>
<td><strong>Other Plant Maintenance and Operations (Optional).</strong> Operations and maintenance of plant services that cannot be classified elsewhere in functions 8100–8399.</td>
</tr>
<tr>
<td>8500</td>
<td><strong>Facilities Acquisition and Construction.</strong> Activities concerned with capital projects, such as acquiring land and buildings, remodeling buildings, constructing buildings and additions to buildings, initially installing or extending service systems and other built-in equipment, and improving sites. Capitalize projects that extend the life and value of a site, building, or major equipment and that exceed the LEA's capitalization threshold. Documented time of a project manager to a capital project may be capitalized. Include legal costs directly identifiable with a capital project. Facility costs that are not clearly identifiable to a capital project should not be charged to Function 8500. Facility planning or administration should be charged to Function 7200, Other General Administration, or to optional Function 7510, Planning, Research, Development, and Evaluation. Facility improvements that do not significantly extend the life or increase the value of a site or building or that do not meet the LEA's threshold for capitalization should be charged to Function 8100, Plant Maintenance and Operations. Most commonly used with Objects 6100–6300 but may also be used with Object 6400 and with most objects in the 1000–5999 range. Refer to Procedure 770, &quot;Distinguishing Between Supplies and Equipment,&quot; for additional information on capitalization concepts.</td>
</tr>
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# Procedure 325  Function (Activity) Classification

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</table>
| 8700 | **Facilities Rents and Leases.** Activities concerned with acquiring facilities through operating leases or rentals without the option to purchase. This function does not include capital lease payments. Capital lease payments are debt service and are charged to all other outgo. Generally, costs of leased or rented facilities are considered agencywide costs of doing business and are shared equitably by all programs. Costs may be charged to a specific program only if renting or leasing a facility is required by state or federal agencies for programmatic purposes, such as on a site where no agency-owned facilities are located. Supporting documentation of the requirement is necessary.  

As an example, a county office leases a classroom from a school district to house a special education class. The action is necessary for programmatic purposes because the special education class is required by the state to be conducted at a regular school site for mainstreaming purposes. The county office owns no regular education schools where the class could be located. The lease payments would be charged as documented direct support costs to a special education goal.  

Alternatively, a school district leases Regional Occupational Centers and Programs (ROCP) classroom space in a facility that is near the shopping center where most ROCP students are being trained. However, because housing the ROCP classes rather than other program classes in the rented facility was a district administrative decision and not a state or federal requirement, the cost of the lease payments would be charged to the Goal 0000, Undistributed, and subsequently distributed to all district programs as allocated support costs. 

The temporary rental of a facility incidental to a particular activity, such as hourly or daily rental of a hall for a staff development workshop or rental of an auditorium for a school graduation, should be charged to the same function as the benefiting activity. |
| 9000–9999 | **OTHER OUTGO**  

Used with Goal 0000, Undistributed. |
| 9100 | **Debt Service.** Servicing the debt of the LEA, including issuance costs and payments of both principal and interest. Normally, only long-term debt service (obligations exceeding one year) is recorded here. It should also be used to record that portion of direct costs for issuing tax and revenue anticipation notes |
**Procedure 325  Function (Activity) Classification**

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<tr>
<td></td>
<td>(TRANs), bonds, or certificates of participation (COPs), including interest expense, which is equal to or less than investment earnings on the proceeds. If costs exceed investment earnings, the excess costs are to be charged to Function 7200, Other General Administration. If long-term debt is issued at a discount, the discount should be recorded in this function with Object 7699, All Other Financing Uses.</td>
</tr>
<tr>
<td>9200</td>
<td><strong>Transfers Between Agencies.</strong> These include outgoing tuitions and transfers of apportionments and resources. Transfers may be to other LEAs and to all other agencies.</td>
</tr>
<tr>
<td>9300</td>
<td><strong>Interfund Transfers.</strong> Financial outflows to other funds of the LEA that are not classified as quasi-external transactions, reimbursements, loans, or advances.</td>
</tr>
</tbody>
</table>
Procedure 330 Object Classification

The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

The object field classifies expenditures according to the types of items purchased or services obtained. It classifies revenues by the general source and type of revenue. It also classifies balance sheet accounts as assets, liabilities, or fund balance.

How the Object Field Is Used

The object field applies to expenditures, revenues, and balance sheet accounts.

Flexibility of the Object Field

LEAs are required to code their transactions to at least the minimum object level required by CDE. However, LEAs may also use more detailed CDE-defined optional object codes (indicated by italics in the object code listing) or create their own locally defined object codes. Required and optional codes are reported to CDE; locally defined codes must be rolled up by the LEA when reporting data to CDE. For further information, see "Optional and Locally Defined Codes" and "Reporting Data to the State," beginning on page 301-4.

The fourth digit of objects 3000–3999 has been restricted by CDE to a specific definition. The third digit is available for LEA use if it is rolled up to zero when submitted to CDE. For example:

- 3401 Health and Welfare Benefits, certificated positions
- 3411 Health and Welfare Benefits, certificated positions, instructional
- 3421 Health and Welfare Benefits, certificated positions, administrative
In this example, the LEA has used locally defined objects using the third digit. These must be rolled up to Object 3401, Health and Welfare Benefits, certificated positions, when data are reported to CDE.
## Procedure 330  Object Classification

### List of Object Codes

*(Italicized codes are optional; if used, they must be reported to CDE.)*

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</tr>
<tr>
<td>8783</td>
<td>All Other Transfers from JPAs</td>
</tr>
<tr>
<td>8791</td>
<td>Transfers of Apportionments from Districts or Charter Schools</td>
</tr>
<tr>
<td>8792</td>
<td>Transfers of Apportionments from County Offices</td>
</tr>
<tr>
<td>8793</td>
<td>Transfers of Apportionments from JPAs</td>
</tr>
<tr>
<td>8799</td>
<td>Other Transfers In from All Others</td>
</tr>
<tr>
<td>8900–8999</td>
<td>Other Financing Sources</td>
</tr>
</tbody>
</table>
### Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8900–8929</td>
<td>Interfund Transfers In</td>
</tr>
<tr>
<td>8911</td>
<td>To Child Development Fund from General Fund</td>
</tr>
<tr>
<td>8912</td>
<td>Between General Fund and Special Reserve Fund</td>
</tr>
<tr>
<td>8913</td>
<td>To State School Building Fund/County School Facilities Fund from All Other Funds</td>
</tr>
<tr>
<td>8914</td>
<td>To General Fund from Bond Interest and Redemption Fund</td>
</tr>
<tr>
<td>8915</td>
<td>To Deferred Maintenance Fund from General, Special Reserve, and Building Funds</td>
</tr>
<tr>
<td>8916</td>
<td>To Cafeteria Fund from General Fund</td>
</tr>
<tr>
<td>8919</td>
<td>Other Authorized Interfund Transfers In</td>
</tr>
<tr>
<td>8930–8979</td>
<td>All Other Financing Sources</td>
</tr>
<tr>
<td>8931</td>
<td>Emergency Apportionments</td>
</tr>
<tr>
<td>8951</td>
<td>Proceeds from Sale of Bonds</td>
</tr>
<tr>
<td>8953</td>
<td>Proceeds from Sale/Lease Purchase of Land and Buildings</td>
</tr>
<tr>
<td>8961</td>
<td>County School Building Aid</td>
</tr>
<tr>
<td>8965</td>
<td>Transfers from Funds of Lapsed/Reorganized LEAs</td>
</tr>
<tr>
<td>8971</td>
<td>Proceeds from Certificates of Participation</td>
</tr>
<tr>
<td>8972</td>
<td>Proceeds from Capital Leases</td>
</tr>
<tr>
<td>8973</td>
<td>Proceeds from Lease Revenue Bonds</td>
</tr>
<tr>
<td>8979</td>
<td>All Other Financing Sources</td>
</tr>
<tr>
<td>8980–8999</td>
<td>Contributions</td>
</tr>
<tr>
<td>8980</td>
<td>Contributions from Unrestricted Revenues</td>
</tr>
<tr>
<td>8990</td>
<td>Contributions from Restricted Revenues</td>
</tr>
<tr>
<td>8995</td>
<td>Categorical Education Block Grant Transfers (Inactive effective 2009-10 due to statutory categorical flexibility)</td>
</tr>
<tr>
<td>8997</td>
<td>Transfers of Restricted Balances (Valid 2003-04, 2008-09 and 2009-10 only)</td>
</tr>
<tr>
<td>8998</td>
<td>Categorical Flexibility Transfers (Inactive effective 2009-10)</td>
</tr>
</tbody>
</table>

### 9000–9999  BALANCE SHEET

#### 9100–9499  Assets

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9110</td>
<td>Cash in County Treasury</td>
</tr>
<tr>
<td>9111</td>
<td>Fair Value Adjustment to Cash in County Treasury</td>
</tr>
<tr>
<td>9120</td>
<td>Cash in Bank(s)</td>
</tr>
<tr>
<td>9130</td>
<td>Revolving Cash Account</td>
</tr>
<tr>
<td>9135</td>
<td>Cash with a Fiscal Agent/Trustee</td>
</tr>
<tr>
<td>9140</td>
<td>Cash Collections Awaiting Deposit</td>
</tr>
<tr>
<td>9150</td>
<td>Investments</td>
</tr>
<tr>
<td>9200</td>
<td>Accounts Receivable</td>
</tr>
</tbody>
</table>
**Procedure 330   Object Classification**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>9290</td>
<td>Due from Grantor Governments</td>
</tr>
<tr>
<td>9310</td>
<td>Due from Other Funds</td>
</tr>
<tr>
<td>9320</td>
<td>Stores</td>
</tr>
<tr>
<td>9330</td>
<td>Prepaid Expenditures (Expenses)</td>
</tr>
<tr>
<td>9340</td>
<td>Other Current Assets</td>
</tr>
<tr>
<td>9400–9499</td>
<td>Capital Assets</td>
</tr>
<tr>
<td>9410</td>
<td>Land</td>
</tr>
<tr>
<td>9420</td>
<td>Land Improvements</td>
</tr>
<tr>
<td>9425</td>
<td>Accumulated Depreciation—Land Improvements</td>
</tr>
<tr>
<td>9430</td>
<td>Buildings</td>
</tr>
<tr>
<td>9435</td>
<td>Accumulated Depreciation—Buildings</td>
</tr>
<tr>
<td>9440</td>
<td>Equipment</td>
</tr>
<tr>
<td>9445</td>
<td>Accumulated Depreciation—Equipment</td>
</tr>
<tr>
<td>9450</td>
<td>Work in Progress</td>
</tr>
</tbody>
</table>

**9500–9699   Liabilities**

9500   Accounts Payable (Current Liabilities)
9501–9589 | Accounts Payable—Locally Defined (When reporting to CDE, LEAs must roll up these objects to Object 9500.)
9590   Due to Grantor Governments
9610   Due to Other Funds
9620   Due to Student Groups/Other Agencies
9640   Current Loans
9650   Deferred Revenue
9660–9669 | Long-Term Liabilities (Not used in governmental funds)
9661   General Obligation Bonds Payable
9662   State School Building Loans Payable
9664   Net OPEB Obligation
9665   Compensated Absences Payable
9666   Certificates of Participation (COPs) Payable
9667   Capital Leases Payable
9668   Lease Revenue Bonds Payable
9669   Other General Long-Term Debt

**9700–9799   Fund Balance/Net Assets**

(The following codes and titles for 9700 – 9790 were valid through 2010-11)

9700–9759 | Fund Balance, Reserved
9710–9720 | Reserve for Nonexpendable Assets
9711   Reserve for Revolving Cash
9712   Reserve for Stores
## Procedure 330 Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>9713</td>
<td>Reserve for Prepaid Expenditures (Expenses)</td>
</tr>
<tr>
<td>9719</td>
<td>Reserve for All Others</td>
</tr>
<tr>
<td>9720</td>
<td>Reserve for Encumbrances (Budgetary account) (This account is not reported to CDE.)</td>
</tr>
<tr>
<td>9730</td>
<td>General Reserve</td>
</tr>
<tr>
<td>9740</td>
<td>Legally Restricted Balance</td>
</tr>
<tr>
<td>9760–9799</td>
<td>Fund Balance, Unreserved</td>
</tr>
<tr>
<td>9770</td>
<td>Designated for Economic Uncertainties</td>
</tr>
<tr>
<td>9775</td>
<td>Designated for the Unrealized Gains of Investments and Cash in County Treasury</td>
</tr>
<tr>
<td>9780</td>
<td>Other Designations</td>
</tr>
<tr>
<td>9790</td>
<td>Undesignated/Unappropriated</td>
</tr>
</tbody>
</table>

(The following codes and titles for 9700 – 9790 are valid effective 2011-12)

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>9710–9719</td>
<td>Fund Balance, Nonspendable</td>
</tr>
<tr>
<td>9711</td>
<td>Nonspendable Revolving Cash</td>
</tr>
<tr>
<td>9712</td>
<td>Nonspendable Stores</td>
</tr>
<tr>
<td>9713</td>
<td>Nonspendable Prepaid Items</td>
</tr>
<tr>
<td>9719</td>
<td>All Other Nonspendable Assets</td>
</tr>
<tr>
<td>9720</td>
<td>Reserve for Encumbrances (Budgetary account) (This account is not reported to CDE.)</td>
</tr>
<tr>
<td>9730–9749</td>
<td>Fund Balance, Restricted</td>
</tr>
<tr>
<td>9740</td>
<td>Restricted Balance</td>
</tr>
<tr>
<td>9750–9769</td>
<td>Fund Balance, Committed</td>
</tr>
<tr>
<td>9750</td>
<td>Stabilization Arrangements</td>
</tr>
<tr>
<td>9760</td>
<td>Other Commitments</td>
</tr>
<tr>
<td>9770–9788</td>
<td>Fund Balance, Assigned</td>
</tr>
<tr>
<td>9780</td>
<td>Other Assignments</td>
</tr>
<tr>
<td>9789–9790</td>
<td>Fund Balance, Unassigned</td>
</tr>
<tr>
<td>9789</td>
<td>Reserve for Economic Uncertainties</td>
</tr>
<tr>
<td>9790</td>
<td>Unassigned/Unappropriated</td>
</tr>
<tr>
<td>9791</td>
<td>Beginning Fund Balance</td>
</tr>
<tr>
<td>9793</td>
<td>Audit Adjustments</td>
</tr>
<tr>
<td>9795</td>
<td>Other Restatements</td>
</tr>
<tr>
<td>9796</td>
<td>Capital Assets, Net of Related Debt</td>
</tr>
<tr>
<td>9797</td>
<td>Restricted Net Assets</td>
</tr>
<tr>
<td>9800–9839</td>
<td>Budgetary Accounts (These accounts are not reported to CDE.)</td>
</tr>
<tr>
<td>9810</td>
<td>Estimated Revenue</td>
</tr>
<tr>
<td>9815</td>
<td>Estimated Other Financing Sources</td>
</tr>
<tr>
<td>9820</td>
<td>Appropriations</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>9825</td>
<td>Estimated Other Financing Uses</td>
</tr>
<tr>
<td>9830</td>
<td>Encumbrances</td>
</tr>
<tr>
<td>9840–9899</td>
<td>Control Accounts (These accounts are not reported to CDE.)</td>
</tr>
<tr>
<td>9840</td>
<td>Revenue</td>
</tr>
<tr>
<td>9845</td>
<td>Other Financing Sources</td>
</tr>
<tr>
<td>9850</td>
<td>Expenditures</td>
</tr>
<tr>
<td>9855</td>
<td>Other Financing Uses</td>
</tr>
<tr>
<td>9910–9979</td>
<td>Nonoperating Accounts (These accounts are not reported to CDE.)</td>
</tr>
<tr>
<td>9910</td>
<td>Suspense Clearing</td>
</tr>
</tbody>
</table>
Procedure 330  Object Classification

Object Code Definitions

(Italicized codes are optional; if used, they must be reported to CDE.)

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000–7999</td>
<td>EXPENDITURES</td>
</tr>
<tr>
<td></td>
<td><em>Note:</em> See also Appendix A, &quot;Analysis of Salaries,&quot; for common function/object relationships found in salary expenditures.</td>
</tr>
<tr>
<td>1000–1999</td>
<td>Certificated Personnel Salaries. Certificated salaries are salaries for positions that require a credential or permit issued by the Commission on Teacher Credentialing. Salaries paid to an employee on leave of absence continue to be charged in the same manner and to the same account classification that was applicable while the employee was in active service of the LEA. For compensated time off, a substitute for a position recorded in objects 1000–1999 should be charged to the same goal and function as the absent employee. For other than compensated time off, such as released time for negotiations, the substitute should be charged to the applicable goal and function.</td>
</tr>
<tr>
<td>1100</td>
<td>Certificated Teachers' Salaries. Record the full-time, part-time, and prorated portions of salaries for all certificated personnel employed to teach the pupils of the district or pupils in schools maintained by a county superintendent of schools. Include salaries for teachers of children in homes or hospitals, all special education resource specialists and teachers, substitute teachers, and instructional television teachers. Include salaries of teachers who provide instruction to students on a pullout basis. The separate recording of teachers' salaries is required by <em>Education Code</em> Section 41011 and is limited to salaries of certificated employees paid to teach the pupils of the district or pupils in schools maintained by a county superintendent. The following comments, interpretations, and definitions are included to guide school officials in determining whether the total salary or a portion of the salary would be charged to Object 1100. The total salary is recorded in Object 1100 under the following conditions: The teacher is an employee of the district or office of the county superintendent in a</td>
</tr>
</tbody>
</table>
Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>position requiring certification qualifications. The teacher's duties require him or her to teach pupils of the district for at least one full instructional period on each school day for which he or she is employed, and he or she is assigned no duties other than those that are connected with, or extensions of, classroom teaching. Such activities are limited to the following:</td>
</tr>
<tr>
<td></td>
<td>• Preparation for and evaluation of classroom work</td>
</tr>
<tr>
<td></td>
<td>• Extracurricular activities that arise from classroom work and are extensions of it (e.g., class or club sponsorship or supervision at school functions)</td>
</tr>
<tr>
<td></td>
<td>• Management of and instruction in a study hall</td>
</tr>
<tr>
<td></td>
<td>• Duties that are ordinarily assigned to certificated personnel in connection with the custody and control of pupils at recess or lunchtime, after school, or at other times</td>
</tr>
</tbody>
</table>

If a certificated employee teaches at least one instructional period each day that he or she is employed to teach and is also assigned other duties neither in connection with nor as an extension of classroom teaching, his or her salary must be prorated and recorded in Object 1100 and in the other objects that provide for recording of expenditures for the other assignment(s). The amount recorded in Object 1100 is the product of the employee's complete salary and the fraction of the full-time school day that the employee spent as a classroom teacher performing duties that are in connection with, or an extension of, classroom teaching as limited herein. The remaining portion is then charged to the object(s) in which expenditures for the other assignments are recorded. Some of the other assignments may pertain to work outside the field of teaching. If a teacher performs such assignments, it will be necessary to prorate a portion of the teacher's salary to classifications other than Object 1100.

The term *other assignments* that must be recorded or prorated to other object codes includes, but is not limited to, assignments usually and specifically assigned to persons employed in the following types of positions:

Certificated:

- General supervisors, coordinators, directors, specialists, consultants, supervisors of special subjects or grades, and certificated assistants (use Function 2100, Instructional Supervision and Administration, with Object 1300, Certificated Supervisors' and Administrators' Salaries)
Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Chairperson of academic department (use Function 2700, School Administration, with Object 1300, Certificated Supervisors' and Administrators' Salaries)</td>
</tr>
<tr>
<td></td>
<td>• Principals, vice principals, assistant principals, deans, and assistant deans in individual schools (use Function 2700, School Administration, with Object 1300, Certificated Supervisors' and Administrators' Salaries)</td>
</tr>
<tr>
<td></td>
<td>• Librarians, assistant librarians, and audiovisual personnel (use Function 2420, Instructional Library, Media, and Technology, with Object 1200, Certificated Pupil Support Salaries)</td>
</tr>
<tr>
<td></td>
<td>• Counselors, nurses, psychologists, psychometrists, audiometrists, and guidance and attendance personnel (use Pupil Service functions 3110 through 3150 with Object 1200, Certificated Pupil Support Salaries)</td>
</tr>
</tbody>
</table>

Classified:
• School bus driver, custodian, secretary to the governing board, and supervisor of transportation

1200  Certificated Pupil Support Salaries. Record the full-time, part-time, and prorated portions of salaries of all certificated personnel performing services of librarian, social worker, or certificated personnel doing pupil personnel work; psychologists and psychometrists; counselors, as well as health services rendered by physicians, oculists, dentists, dental hygienists, nurses, optometrists, school audiometrists, psychiatrists, otologists, and other personnel as authorized in the field of physical and mental health and who are on the payroll of the LEA. Health services personnel must possess a services credential (Education Code sections 44872–44879 and 49422–49427).

1300  Certificated Supervisors' and Administrators' Salaries. Record the full-time, part-time, and prorated portions of salaries of principals, vice principals, administrative deans in individual schools, and other personnel performing similar duties; certificated personnel engaged in instructional supervision, including general supervisors, coordinators, directors, consultants, and supervisors of special subjects or grades and their certificated assistants (whether or not they supervise staff); superintendents and/or deputy, associate, area, and assistant superintendents in districts and offices of county superintendents of schools (Education Code sections 35028, 35029, 35030, 44065, 44066, and 44069).

Note: The term supervision is used to designate those activities having as their purpose the actual improvement of instruction under the direction of supervisors and assistants. Such activities include (1) personal conferences with teachers on
procedure 330  object classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>instructional problems; (2) classroom visitation; (3) group conferences with teachers; and (4) demonstration teaching.</td>
</tr>
</tbody>
</table>

1900  Other Certificated Salaries. Record the full-time, part-time, and prorated portions of salaries for all certificated personnel who do not fall within one of the categories previously specified. Examples of such personnel are special education and/or other program specialists, certificated civic center employees, or resource teachers not performing duties as a classroom teacher. Object 1900 is not open to instructional functions.

2000–2999  Classified Personnel Salaries. Classified salaries are salaries for positions that do not require a credential or permit issued by the Commission on Teacher Credentialing. Salaries paid to an employee on leave of absence will continue to be charged in the same manner and to the same account classification as was applicable while the employee was in active service for the LEA.

For compensated time off, a substitute for a position recorded in objects 2000–2999 should be charged to the same goal and function as the absent employee. For other than compensated time off, such as released time for negotiations, the substitute should be charged to the applicable goal and function.

Student employees are to be coded to the goal, function, and object that represent the position they are filling. However, if the student is being paid as part of an educational program such as work experience, use Function 1000, Instruction, and Object 2900, Other Classified Salaries.

2100  Classified Instructional Salaries. Record total salaries paid to instructional aides who are required to perform any portion of their duty under the supervision of a classroom teacher or that of a special education resource specialist teacher (Education Code Section 41011). This code also includes salaries of noncertificated charter school teachers and other noncertificated instructional personnel, such as classified coaches, tutors, and drug/alcohol program mentors.

2200  Classified Support Salaries. This code is used to record the full-time, part-time, and prorated portions of salaries of classified employees not defined elsewhere who are working in the instructional media and library, student support, pupil transportation, food services, and maintenance and operations functions.

Salaries for the instructional media and library function include the salaries of library and media aides.
## Procedure 330 Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Salaries for the student support function include the salaries of counselor aides and health aides.</td>
</tr>
<tr>
<td></td>
<td>Salaries for the pupil transportation function include the salaries of bus drivers, mechanics, field coordinators, gasoline-pump attendants, and all other personnel whose assignments are related to the transportation of students.</td>
</tr>
<tr>
<td></td>
<td>Salaries for the food service function include the salaries of nutritionists, cooks, helpers, and all other food service personnel except those engaged in the management of the food service program on a districtwide basis. The salary of a classified director of food services, if districtwide, is recorded in Object 2300, Classified Supervisors' and Administrators' Salaries. The salary of a certificated director of food services, if districtwide, is recorded in Object 1300, Certificated Supervisors' and Administrators' Salaries.</td>
</tr>
<tr>
<td></td>
<td>Salaries for the maintenance function include the salaries of carpenters, painters, plumbers, electricians, and other similar positions.</td>
</tr>
<tr>
<td></td>
<td>The salaries for the operations function include the salaries of custodians, matrons, general utility workers, firefighters, dairy workers, guards, gardeners, elevator operators, warehouse workers, delivery personnel, truck drivers, and other similar positions.</td>
</tr>
<tr>
<td>2300</td>
<td><strong>Classified Supervisors' and Administrators' Salaries.</strong> Record the full-time, part-time, and prorated portions of salaries of supervisory personnel who are business managers, controllers, directors, chief accountants, accounting supervisors, purchasing agents, site administrators, assistant superintendents, and superintendents. Include stipends for governing board members and personnel commission members. (For assistant superintendents and superintendents, see Education Code sections 35028, 35029, 35030, 44065, 44066, and 44069.)</td>
</tr>
<tr>
<td>2400</td>
<td><strong>Clerical, Technical, and Office Staff Salaries.</strong> Record the full-time, part-time, and prorated portions of salaries paid to clerks, secretaries, accountants, bookkeepers, programmers and computer technical support, machine and computer operators, and others in similar positions.</td>
</tr>
<tr>
<td>2900</td>
<td><strong>Other Classified Salaries.</strong> Record the full-time, part-time, and prorated portions of salaries not identifiable with objects 2100 through 2400 (e.g., noon supervision personnel, students employed for work experience, civic center aides, and building inspectors). Students employed as part of a work-study curriculum or job-training grant are coded to Function 1000, Instruction.</td>
</tr>
</tbody>
</table>
### Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>3000–3999</td>
<td>Employee Benefits. Record employers' contributions to retirement plans and health and welfare benefits, including cash in lieu of benefits for employees, their dependents, retired employees, and board members. Benefits are separated into two categories. A code that ends in 1 indicates benefits paid for personnel in certificated positions, and a code that ends in 2 indicates those paid for personnel in classified positions. Except for allocated costs of OPEB (objects 3701–3702) and retirement incentives (objects 3901–3902), employee benefits are charged to the program(s) to which the benefit-eligible employee's salary is charged.</td>
</tr>
<tr>
<td>3101–3102</td>
<td>State Teachers' Retirement System. Record expenditures to provide personnel with retirement benefits under the State Teachers' Retirement System (STRS). This excludes employee contributions. Object 3101 is certificated personnel in STRS; Object 3102 includes those individuals who hold classified positions but are enrolled in STRS.</td>
</tr>
<tr>
<td>3201–3202</td>
<td>Public Employees' Retirement System. Record expenditures to provide personnel with retirement benefits under the Public Employees' Retirement System (PERS). This excludes employee contributions, although it does include the employer's payment of an employee's contribution. Object 3201 indicates those employees in certificated positions and enrolled in PERS; Object 3202 indicates employees in classified positions and enrolled in PERS.</td>
</tr>
<tr>
<td>3301–3302</td>
<td>OASDI/Medicare/Alternative. Record expenditures to provide employee benefits under the federal Social Security system. Include expenditures to qualifying alternative retirement plans for employees not covered under the Social Security system, STRS, or PERS. This excludes employee contributions. Object 3301 indicates that the Social Security benefits cover certificated positions; Object 3302 indicates that these benefits cover classified positions.</td>
</tr>
<tr>
<td>3401–3402</td>
<td>Health and Welfare Benefits. Record expenditures made to provide personnel with health and welfare insurance benefits. This excludes employee contributions but includes health and welfare benefit premiums paid to a self-insurance fund. Object 3401 indicates that the benefits cover certificated positions; Object 3402 indicates that the benefits cover classified positions.</td>
</tr>
<tr>
<td>3501–3502</td>
<td>State Unemployment Insurance. Record expenditures made to provide personnel with unemployment compensation. Object 3501 indicates that the state</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
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<td>unemployment insurance covers certificated positions; Object 3502 indicates that the state unemployment insurance covers classified positions.</td>
</tr>
<tr>
<td>3601–3602</td>
<td><strong>Workers' Compensation Insurance.</strong> Record expenditures made to provide personnel with workers' compensation benefits. This includes workers' compensation insurance premiums paid to a self-insurance fund. Object 3601 covers certificated positions; Object 3602 covers classified positions.</td>
</tr>
<tr>
<td>3701–3702</td>
<td><strong>OPEB, Allocated.</strong> Record expenditures for postemployment benefits other than pensions (OPEB) for retirees and other former employees, whether for current-year benefit costs financed on a pay-as-you-go basis or for amortization of the past unfunded liability relating to retirees and other former employees. Record expenditures for amortization of the past unfunded liability relating to active employees, if such costs are not direct-charged (see objects 3751–3752). Do not include expenditures for normal costs for active employees; these must be direct-charged using objects 3751–3752. Expenditures in objects 3701–3702 must be allocated to all activities in proportion to total salaries or total full-time equivalents (FTEs) in those activities. Object 3701 relates to certificated positions; Object 3702 relates to classified positions.</td>
</tr>
<tr>
<td>3751–3752</td>
<td><strong>OPEB, Active Employees.</strong> Record expenditures for actuarially determined normal costs for postemployment benefits other than pensions (OPEB) for OPEB-eligible active employees. Record expenditures for amortization of the past unfunded liability relating to OPEB-eligible active employees to the extent that amortization costs are not unduly burdensome or distorting to programs. Where such costs would be unduly burdensome or distorting to programs, they should be allocated to all activities using objects 3701–3702. Do not include expenditures for retirees and other former employees; these must be allocated using objects 3701–3702. Expenditures in objects 3751–3752 must be direct-charged on a per-eligible-FTE basis to the same resource, goal, and function as the OPEB-eligible active employee’s salary. Object 3751 relates to certificated positions; Object 3752 relates to classified positions.</td>
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<tr>
<td>3801–3802</td>
<td><strong>PERS Reduction.</strong> Report the transfers of funds from the LEA to the state. Object 3801 covers certificated positions; Object 3802 covers classified positions. The charge for PERS Reduction should follow the function of the related salary. Function 9200, Transfers Between Agencies, may be used instead of identifying specific functions, but either method must be used exclusively, not together. Amounts reported in objects 3801–3802 must equal the amount reported in Object 8092, PERS Reduction Transfer.</td>
</tr>
<tr>
<td>3901–3902</td>
<td>Other Benefits. Record the payment for tax-sheltered annuities, deferred compensation, cash-in-lieu, retirement incentives such as Golden Handshake, and other employee benefits not specified above. With the exception of retirement incentives, expenditures reported in objects 3901–3902 are charged to the program(s) to which the benefit-eligible employee’s salary is charged. For direction on charging retirement incentives, see Procedure 655. Object 3901 is used for certificated positions; Object 3902 is used for classified positions.</td>
</tr>
<tr>
<td>4000–4999</td>
<td><strong>Books and Supplies.</strong> Record expenditures for books and supplies, including any associated sales tax or use tax and freight and handling charges.</td>
</tr>
<tr>
<td>4100</td>
<td><strong>Approved Textbooks and Core Curricula Materials.</strong> Record expenditures for classroom instructional materials designed for use by pupils and their teachers as the basic curriculum adopted by the State Board of Education or the district board for required subject matter. Instructional materials may be printed or appear in some other form and may consist of textbooks, technology-based materials, and other educational materials, such as manipulatives (Education Code Section 60010[h]). The cost includes all consumable materials available in the approved series, such as kits, audiovisual materials, or workbooks. Teachers' manuals and editions relate to specific, basic, or supplementary textbooks and are intended for teachers' use rather than for pupils' use. They are part of the approved curriculum used in the classroom and so are part of Object 4100. Single issues of state-approved textbooks for review by research committees or curriculum directors would be coded to this object with an instruction-related service function, such as Function 2130, Curriculum Development.</td>
</tr>
<tr>
<td>4200</td>
<td><strong>Books and Other Reference Materials.</strong> Record expenditures for books and other reference materials used by district personnel. Books used for reference are further identified by the appropriate function. For example, reference books for use in the nurse's office, in the district business office, or in the cafeteria would be</td>
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<td>coded to Function 3140, Health Services; Function 7200, Other General Administration; or Function 3700, Food Services, respectively. Function 1000, Instruction, would include (1) books that have not been adopted by the proper authority for use as basic curricula; (2) books, such as reference books, that are available for general use by students even though such books may be used solely in the classroom; and (3) all other materials used for reference purposes. Generally, the purchase of library books or other reference materials is coded to Object 4200. However, expenditures for library books to stock a new school library or for material expansion are recorded in Object 6300, Books and Media for New School Libraries or Major Expansion of School Libraries. Consumable materials other than those directly related to adopted curricula (Object 4100) have a limited shelf life of less than one year. Such materials as periodicals, magazines, workbooks, drill books, exercise pads, and the like are recorded in Object 4300, Materials and Supplies. Expenditures for rentals of materials are coded to Object 5600, Rentals, Leases, Repairs, and Noncapitalized Improvements. Incidental materials and supplies included in payments to outside vendors for repair and maintenance services are coded to Object 5600, Rentals, Leases, Repairs, and Noncapitalized Improvements. Payments to outside vendors for duplication services should be coded to Object 5800, Professional/Consulting Services and Operating Expenditures.</td>
</tr>
<tr>
<td>4300</td>
<td><strong>Materials and Supplies.</strong> Record expenditures for consumable materials and supplies and nonconsumable items that do not meet the LEA’s inventory threshold to be used by students, teachers, and other LEA personnel. Instructional materials and supplies are those used in the classroom by students and teachers. Other materials and supplies included in Object 4300 are those used in services and auxiliary programs, such as food service supplies; custodial supplies; gardening and maintenance supplies; supplies for operations; transportation supplies, including gasoline; supplies for repair and upkeep of equipment or buildings and grounds; and medical and office supplies. Expenditures for rentals of materials are coded to Object 5600, Rentals, Leases, Repairs, and Noncapitalized Improvements. Incidental materials and supplies included in payments to outside vendors for repair and maintenance services are coded to Object 5600, Rentals, Leases, Repairs, and Noncapitalized Improvements. Payments to outside vendors for duplication services should be coded to Object 5800, Professional/Consulting Services and Operating Expenditures.</td>
</tr>
<tr>
<td>4400</td>
<td><strong>Noncapitalized Equipment.</strong> Record expenditures for movable personal property of a relatively permanent nature that has an estimated useful life greater than one year and an acquisition cost less than the LEA’s capitalization threshold but greater than the LEA’s inventory threshold pursuant to <em>Education Code</em> Section</td>
</tr>
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<td>35168 or local policy. For information on the capitalization threshold, refer to Procedure 770.</td>
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<tr>
<td><strong>4700</strong> <strong>Food.</strong> Record expenditures for food used in food-service activities for which the purpose is nourishment or nutrition (i.e., breakfast, snacks, lunch, and other similar items). Include food purchased by the food service program for student meals on field trips even if not reimbursed through the school lunch program.</td>
<td>Object 4700, Food, is used only with Function 3700, Food Services. Expenditures for food used for instruction in a regular classroom (e.g., in a cooking class or as an instructional reward) are recorded in Object 4300, Materials and Supplies, with an instructional function. Expenditures for food for staff meetings and similar situations are recorded in Object 4300 with the appropriate function.</td>
</tr>
<tr>
<td><strong>5000–5999</strong> <strong>Services and Other Operating Expenditures.</strong> Record expenditures for services, rentals, leases, maintenance contracts, dues, travel, insurance, utilities, and legal and other operating expenditures. Expenditures may be authorized by contracts, agreements, purchase orders, and so forth.</td>
<td></td>
</tr>
<tr>
<td><strong>5100</strong> <strong>Subagreements for Services.</strong> Record expenditures for subagreements and subawards pursuant to certain contracts, subcontracts, and subgrants. Subagreements for Services may be formal or informal, written or verbal, and are indicated when a part or all of an instructional or support activity for which the LEA is responsible is conducted by a third party rather than by the LEA (see page 910-2, Categories of Costs, for definitions of instructional and support activities). The LEA's responsibility for the activity may originate from any grant, award, or entitlement, including general purpose entitlements. Following are general indicators of subagreements for services:</td>
<td></td>
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<tr>
<td>• Subagreements are, by definition, subordinate to something—typically to a grant, award, or entitlement, but at least to some expectation that an LEA has a responsibility for some activity.</td>
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<tr>
<td>• Subagreements are typically in functions 1000–3999 (and possibly 4000), but this is not the determining factor. Every contract or agreement in these functions is not necessarily a subagreement.</td>
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</tr>
<tr>
<td>• Contracts for services between LEAs are subagreements if they have the characteristics of the &quot;Subagreements for Services&quot; model described in Procedure 750.</td>
<td></td>
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</table>
Subcontracted expenditures generally do not generate or benefit from an LEA's administrative services (indirect costs) to the same extent that other expenditures do because the services provided under the subagreement are carried out by the other entity.

Some examples of subagreements for services include:

- Contracts with a third party to provide services required by a grant, such as the emergency services required by an Emergency Response Safety Grant
- Contracts with other entities to provide home-to-school transportation for the LEA’s students
- Contracts with nonpublic schools for services to the LEA’s special education students
- Contracts between charter schools and management companies to provide instruction to the charter school’s students
- Cooperative projects and pass-through grants in which LEAs have both administrative and direct financial involvement (refer to Procedure 750)

Subagreements for services generally exclude:

- Pass-through grants in which LEAs have only administrative involvement (refer to Procedure 750)
- Contracts for central administrative or "other" services (see page 910-2, Categories of Costs, for definitions of these services)
- Routine purchases of standard commercial goods or services from a vendor (refer to Object 5800, Professional/Consulting Services and Operating Expenditures)

When a distinction must be made between a subagreement and a routine purchase from a vendor, the substance of the transaction is more important than the form. For example, a contract with a vendor to provide home-to-school transportation to the LEA’s students would be a subagreement, but a contract with the same vendor to rent buses for the LEA to transport its own students would be a routine purchase from a vendor. The form of the written agreements might be identical in that both might be contracts with a transportation vendor, yet the substance of the transactions is different.

Unlike other costs in objects 5000–5999, Object 5100 costs are excluded from the calculation of the indirect cost rate and from eligible program expenditures on which indirect costs are charged (see Procedure 915). However, in recognition
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<td>that some general administration is necessary to process a subagreement, indirect cost guidelines allow that up to $25,000 of each individual subagreement may be coded to Object 5800, Professional/Consulting Services and Operating Expenditures, with the remainder charged to Object 5100. The amount charged to Object 5800 is included in the calculation of the indirect cost rate and in eligible program expenditures on which indirect costs are charged. The $25,000 limit per subagreement applies each year for the duration of the subagreement.</td>
</tr>
<tr>
<td>5200</td>
<td><strong>Travel and Conferences.</strong> Record actual and necessary expenditures incurred by and/or for employees and other representatives of the LEA for travel and conferences <em>(Education Code sections 35044 and 44032)</em>. Included in this object are fees paid for those individuals to attend conferences or training classes. Expenditures for employee conferences charged to this object should follow the goal and function of the employee. Expenditures for conferences sponsored by the LEA are not coded to this object but are coded to the appropriate object for specific services purchased, such as Object 4300 for food, Object 5800 for caterers, Object 5600 for room rentals, and Object 2400 for staff time in preparing for the conference, in combination with Function 2140, In-house Instructional Staff Development, or Function 7410, Staff Development. <em>(The use of Object 4700, Food, is restricted to Function 3700, Food Services.)</em> Expenditures for college tuition paid on behalf of employees are recorded to Object 5800, Professional/Consulting Services and Operating Expenditures.</td>
</tr>
<tr>
<td>5300</td>
<td><strong>Dues and Memberships.</strong> Record the membership fee of an LEA in any society, association, or organization as authorized by <em>Education Code</em> Section 35172. Object 5300 may be used for the dues of an employee, such as a chief business official or a superintendent, if it is deemed that the LEA is represented and benefits from the membership. Use objects 3901–3902 for employee dues if it is deemed that the dues are a benefit only for the employee.</td>
</tr>
<tr>
<td>5400</td>
<td><strong>Insurance.</strong> Record expenditures for all forms of insurance other than employee benefits. Use Function 9100, Debt Service, for bond insurance costs when issuing new bonds.</td>
</tr>
<tr>
<td>5440</td>
<td><strong>Pupil Insurance (Optional).</strong> Record expenditures for accidental death insurance and medical and hospital insurance for pupils. Use Function 1000, Instruction.</td>
</tr>
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<tr>
<td>5450</td>
<td><strong>Other Insurance (Optional).</strong> Record expenditures for all forms of insurance other than employee health insurance and pupils' insurance. For fire and theft liability and fidelity bond premiums, use Function 7200, Other General Administration; for school buses, use Function 3600, Pupil Transportation; for food service vehicles, use Function 3700, Food Services.</td>
</tr>
</tbody>
</table>

5500  | **Operations and Housekeeping Services.** Record expenditures for water, heating fuel, light, power, waste disposal, pest control, laundry and dry cleaning (such as laundering of curtains and cleaning of drapes), and so forth. Include contracts for these services. Object 5500 is used only with the maintenance and operation functions 8100–8500 and Function 6000, Enterprise. Cleaning of uniforms, such as band or custodial uniforms, is charged to the appropriate function and Object 5800, Professional/Consulting Services and Operating Expenditures. Fuel for pupil transportation is coded to Object 4300, Materials and Supplies. |

5600  | **Rentals, Leases, Repairs, and Noncapitalized Improvements.** Record expenditures for rentals, leases without option to purchase, and repairs or maintenance (including maintenance agreements) of sites, buildings, and equipment by outside vendors. Include incidental materials and supplies included in the cost of repairs. Include expenditures for site or building improvements that do not meet the LEA's threshold for capitalization. Capital leases should be recorded according to the accounting procedures for lease/purchase agreements in Procedure 710. Rental of facilities is normally charged to Function 8700, Facilities Rents and Leases. The temporary rental of facilities incidental to a particular activity, such as the hourly or daily rental of a hall for a staff development workshop or the rental of an auditorium for a school graduation, is charged to the function of the benefiting activity. |

5700–5799  | **Transfers of Direct Costs.** Record the transfer of costs for services, other than indirect costs, between resources, goals, functions, and/or funds. Typical transfers of direct costs between functions include services provided or products developed by the LEA, such as maintenance and repair of duplicating, audiovisual, or other equipment; photocopying expenses; field trips; district vehicle use; and information technology expenses. These types of costs may be accumulated in a particular function for ease of accounting and then transferred to |
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<td>the benefiting function(s) based on supporting documentation. For example, costs of field trips initially recorded in Function 3600, Pupil Transportation, are instructional costs and therefore are transferred to Function 1000, Instruction (see Example 1 in Procedure 640).</td>
</tr>
<tr>
<td></td>
<td>Typical transfers of direct costs between goals include the distribution of support costs to benefiting goals. For example, expenditures initially recorded to Function 8100, Plant Maintenance and Operations, with Goal 0000, Undistributed, may be transferred to the benefiting goal(s) on the basis of documentation or standardized allocation factors.</td>
</tr>
<tr>
<td></td>
<td>This account is also used to record transfers of administrative costs on any basis other than the indirect cost rate, such as administrative costs incurred in the general fund to calculate and collect developer fees.</td>
</tr>
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</table>

#### 5710 Transfers of Direct Costs. Record transfers within a fund for direct costs of services provided, as described above. This account must net to zero at the fund level.  

#### 5750 Transfers of Direct Costs—Interfund. Record transfers between funds for direct costs of services provided, as described above. This account will reflect a balance at the fund level for the amount of between-funds costs. The total between-funds debit and credit transactions must net to zero.  

#### 5800 Professional/Consulting Services and Operating Expenditures. Record expenditures for personal services rendered by personnel who are not on the payroll of the LEA. Professional/consulting services are delivered by an independent contractor (individual, entity, or firm) that offers its services to the public. Such services are paid on a fee basis for specialized services that are usually considered to be temporary or short term in nature, normally in areas that supplement the expertise of the LEA. This includes all related expenditures covered by the personal services contract.  

Record expenditures for services such as printing, engraving, and so forth performed by an outside agency. This includes but is not limited to copies made from masters provided by the LEA.  

Record expenditures for catering services provided by an outside vendor.  

Record expenditures for college tuition paid on behalf of employees.
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<td></td>
<td>Record expenditures for lodging and admission tickets for students and staff on field trips.</td>
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<tr>
<td></td>
<td>Record expenditures for all advertising, including advertising for items such as bond sales, contract bidding, and personnel vacancies. Record expenditures for judgments, penalties, legal advice, attorneys, hearing officers, elections, audits, and other similar costs. Record expenditures for services provided, such as administration, bus transportation, audiovisual, and library.</td>
</tr>
<tr>
<td></td>
<td>Record assessments for other than capital improvements, including state assessment for nonuse of school sites. Record expenditures for surveys and appraisals of sites that are not purchased. Expenditures for surveys, appraisals, and assessments in connection with site purchases and/or improvements are recorded in Object 6100, Land, and/or Object 6170, Land Improvements.</td>
</tr>
<tr>
<td></td>
<td>Record expenditures for fees charged to LEAs by other local governmental agencies, such as counties, cities, and special districts, for required services. Such fees include those charged for health, building, and operating inspections and permits, plan reviews, and utility connection fees. These charges typically relate to emissions, fuel-tank operations, hazardous waste generation, chemical storage, food safety, water safety, and fire safety. Examples of departments and special districts that assess these fees include Air Pollution Control, Environmental or Public Health Services, Fire Department, and Public Water Control.</td>
</tr>
<tr>
<td></td>
<td>Record expenditures for Internet-based publications and materials. Record periodic costs of licensing, support, or maintenance agreements for nonequipment items, such as software. Initial licensing and other costs incurred as part of a major system acquisition should be recorded in Object 6400, Equipment.</td>
</tr>
<tr>
<td></td>
<td>Record expenditures not otherwise designated, such as payments of interest on loans repaid within the fiscal year, payments for damages to personal property, expenditures for fingerprints, physical and X-ray examinations required for employment, scholarship payments, and similar items.</td>
</tr>
<tr>
<td></td>
<td>Debt issuance costs, including underwriter discounts and fees, should be recorded here. If long-term debt is issued at a discount, the discount should be recorded in Object 7699, All Other Financing Uses.</td>
</tr>
<tr>
<td></td>
<td>May record up to $25,000 for each individual subagreement as defined in Object 5100, Subagreements for Services. This is optional. The $25,000 limit applies each year for the duration of the subagreement. The remainder of the...</td>
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Subagreement must be recorded in Object 5100. Examples of subagreements are shown under Object 5100.

*Note:* Expenditures to nonpublic, nonsectarian schools for the education of children with exceptional needs should be charged to Object 5100, Subagreements for Services. Expenditures for excess costs and/or deficits in special education programs paid to provider school districts or county offices should be charged to objects 7141–7143, Other Tuition.

5900  
**Communications.** Record expenditures for periodic servicing of all methods of communication, including pagers, cell phones, beepers, and telephone service systems. This object also includes the monthly charges for fax lines, TV cable lines, and Internet service and lines. The cost of postage stamps and "refill" of postage meters should be coded to Communications, as should the cost of parcel service or other means used to deliver a letter or other outgoing communications. Incoming shipping of purchased goods by parcel service or other means is considered to be part of the cost of goods purchased and should not be charged to Object 5900.

Generally, communication costs should be charged to either Function 2700, School Administration, or Function 7200, Other General Administration. Communication service fees may be charged to other functions by direct documentation, such as monthly statements. The monthly bills for pagers, cell phones, cable, and Internet services may follow the user if the charges can be documented. For example, Internet fees that are part of classroom instruction may be charged to Function 1000, Instruction.

The cost of communication equipment is normally coded to Object 4400, Noncapitalized Equipment. If the cost of a unit of equipment exceeds the capitalization threshold of the LEA, use Object 6400, Equipment, or Object 6500, Equipment Replacement, as appropriate. However, if the cost is minor and the expected life short, the cost of the equipment should be coded to Object 4300, Materials and Supplies.

The cost of wiring and installing cables for communication equipment that become an integral part of the building or building service system is coded to Object 6200, Buildings and Improvement of Buildings, with Function 8500, Facilities Acquisition and Construction. Repairs to these lines would be coded to Function 8100, Plant Maintenance and Operations, with either Object 5600, Rentals, Leases, Repairs, and Noncapitalized Improvements, or with the salary or supply object codes of the maintenance budget.
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<td>6000–6999</td>
<td><strong>Capital Outlay.</strong> Record expenditures for land, buildings, equipment, capitalized complements of books for new libraries, and other intangible capital assets, such as computer software, including items acquired through leases with option to purchase. These object codes are not used in proprietary funds, in which capital assets are recorded in Objects 9400–9499 and subsequently depreciated.</td>
</tr>
<tr>
<td>6100</td>
<td><strong>Land.</strong> Record the costs of acquisition of land and additions to old sites and adjacent ways. Include incidental expenditures in connection with the acquisition of sites, such as appraisal fees, search and title insurance, surveys, and condemnation proceedings, and fees. If a site is not purchased after the appraisal or survey, record the expenditure in Object 5800, Professional/Consulting Services and Operating Expenditures. Include costs to remove buildings on newly acquired sites. Use with Function 8500, Facilities Acquisition and Construction.</td>
</tr>
<tr>
<td>6170</td>
<td><strong>Land Improvements.</strong> Record expenditures for each of the following with Function 8500, Facilities Acquisition and Construction:</td>
</tr>
<tr>
<td></td>
<td>• Improvements of sites (new and old) and adjacent ways that meet the LEA's threshold for capitalization. Include such work as grading, landscaping, seeding, and planting shrubs and trees; constructing new sidewalks, roadways, retaining walls, sewers, and storm drains; installing hydrants; treating soil and surfacing athletic fields and tennis courts; furnishing and installing fixed playground apparatus, flagpoles, gateways, fences, and underground storage tanks that are not parts of building service systems; and doing demolition work in connection with improvement of sites.</td>
</tr>
<tr>
<td></td>
<td>• Leasehold improvements to sites. Include costs of site improvements to leased property.</td>
</tr>
<tr>
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<td>• Payment of special assessments. Include assessments against the school district for capital improvements such as streets, curbs, sewers, drains, and pedestrian tunnels whether on or off school property.</td>
</tr>
<tr>
<td>6200</td>
<td><strong>Buildings and Improvements of Buildings.</strong> Record costs of construction or purchase of new buildings (including relocatable buildings, such as portable classrooms) and additions and replacements of obsolete buildings, including advertising; architectural and engineering fees; blueprinting; inspection service (departmental or contract); tests and examinations; demolition work in connection with construction of electrical, sprinkling, or warning devices; installation of</td>
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<tr>
<td>6400</td>
<td>Equipment. Record expenditures for movable personal property, including such equipment as vehicles, machinery, computer systems, and playground equipment, that have both an estimated useful life over one year and an acquisition cost equal to or greater than the capitalization threshold established by the LEA. Acquisition cost includes tax, freight or other types of delivery charges, and installation costs, including labor. (For more detail, refer to Procedure 770.)</td>
</tr>
</tbody>
</table>

Record the initial acquisition of computer software, both downloaded and off-the-shelf, that exceeds the LEA's capitalization threshold, including research and development costs, licensing, and installation or training.

Piece-for-piece replacements of equipment are recorded in Object 6500, Equipment Replacement, if the unit cost exceeds the LEA's capitalization threshold.

Initial built-in fixtures that are integral parts of the building or building service system are recorded in Object 6200, Buildings and Improvement of Buildings.

| 6500  | Equipment Replacement. Record expenditures for equipment replaced on a piece-for-piece basis. These expenditures must be identified for purposes of the calculation of the current expense of education (Education Code Section 41372). |

| 6900  | Depreciation Expense (for proprietary and fiduciary funds only). Record the portion of the cost of a capital asset charged as an expense during the fiscal year. In accounting for depreciation, the cost of a capital asset less any anticipated salvage value is prorated over the estimated service life of the asset, and each period is charged with a portion of that cost. Through this process, the cost of the asset less salvage value is ultimately charged as an expense. |
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<td><em>Note:</em> This object is applicable only for funds 61, 62, 63, 66, 67, and 73.</td>
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<tr>
<td>7000–7499</td>
<td><strong>Other Outgo</strong></td>
</tr>
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<td>7100–7199</td>
<td><strong>Tuition</strong></td>
</tr>
<tr>
<td>7110</td>
<td><strong>Tuition for Instruction Under Interdistrict Attendance Agreements.</strong> Record expenditures for tuition under interdistrict attendance agreements incurred as a result of a district's realizing a reduction of 25 percent or more in PL 81–874 funds if the average daily attendance of pupils residing within the district is credited to the district of attendance (<em>Education Code</em> Section 46607[b]).</td>
</tr>
<tr>
<td>7130</td>
<td><strong>State Special Schools.</strong> Record payments for students placed in state special schools.</td>
</tr>
<tr>
<td>7141</td>
<td><strong>Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Schools.</strong> Record payments for tuition, excess costs, and/or deficits paid to programs operated by other school districts or charter schools. Use Function 9200, Transfers Between Agencies.</td>
</tr>
<tr>
<td>7142</td>
<td><strong>Other Tuition, Excess Costs, and/or Deficit Payments to County Offices.</strong> Record payments for tuition, excess costs, and/or deficits paid to programs operated by county superintendents of schools. Use Function 9200, Transfers Between Agencies.</td>
</tr>
<tr>
<td>7143</td>
<td><strong>Other Tuition, Excess Costs, and/or Deficit Payments to JPAs.</strong> Record payments for tuition, excess costs, and/or deficits paid to programs operated by a joint powers agency (JPA). Use Function 9200, Transfers Between Agencies.</td>
</tr>
<tr>
<td>7200–7299</td>
<td><strong>Interagency Transfers Out</strong></td>
</tr>
<tr>
<td>7211</td>
<td><strong>Transfers of Pass-Through Revenues to Districts or Charter Schools.</strong> Report disbursements of pass-through grants to school districts or charter schools in which the recipient LEA has administrative involvement only for the grants. The recipient LEA does not also have a responsibility to operate the project.</td>
</tr>
<tr>
<td>7212</td>
<td><strong>Transfers of Pass-Through Revenues to County Offices.</strong> Report disbursements of pass-through grants to county offices in which the recipient LEA has administrative involvement only for the grants. The recipient LEA does not also have a responsibility to operate the project.</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>7213</td>
<td><strong>Transfers of Pass-Through Revenues to JPAs.</strong> Report disbursements of pass-</td>
</tr>
<tr>
<td></td>
<td>through grants to JPAs in which the recipient LEA has administrative</td>
</tr>
<tr>
<td></td>
<td>involvement only for the grant. The recipient LEA does not also have a</td>
</tr>
<tr>
<td></td>
<td>responsibility to operate the project.</td>
</tr>
<tr>
<td>7221</td>
<td><strong>Transfers of Apportionments to Districts or Charter Schools.</strong> Record</td>
</tr>
<tr>
<td></td>
<td>transfers to school districts or charter schools of apportionments, such as</td>
</tr>
<tr>
<td></td>
<td>special education and regional occupational centers/programs.</td>
</tr>
<tr>
<td>7222</td>
<td><strong>Transfers of Apportionments to County Offices.</strong> Record transfers to</td>
</tr>
<tr>
<td></td>
<td>county offices of apportionments, such as special education and regional</td>
</tr>
<tr>
<td></td>
<td>occupational centers/programs.</td>
</tr>
<tr>
<td>7223</td>
<td><strong>Transfers of Apportionments to JPAs.</strong> Record transfers to JPAs of</td>
</tr>
<tr>
<td></td>
<td>apportionments, such as special education and regional occupational</td>
</tr>
<tr>
<td></td>
<td>centers/programs.</td>
</tr>
<tr>
<td>7280</td>
<td>**Transfers to Charter Schools in Lieu of Property Taxes (Obsolete as of</td>
</tr>
<tr>
<td></td>
<td>2007-08). Formerly used to record funds in lieu of property taxes</td>
</tr>
<tr>
<td></td>
<td>transferred by the sponsoring LEA to a charter school according to</td>
</tr>
<tr>
<td></td>
<td><em>Education Code</em> Section 47635. Use Object 8096, Transfers to Charter</td>
</tr>
<tr>
<td></td>
<td>Schools in Lieu of Property Taxes, beginning 2007-08.</td>
</tr>
<tr>
<td>7281</td>
<td><strong>All Other Transfers to Districts or Charter Schools.</strong> Record transfers</td>
</tr>
<tr>
<td></td>
<td>to school districts or charter schools of resources other than</td>
</tr>
<tr>
<td></td>
<td>apportionments or pass-through revenues. An example is the transfer of</td>
</tr>
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<td>funding from a county office of education to a direct service district for</td>
</tr>
<tr>
<td></td>
<td>health services.</td>
</tr>
<tr>
<td>7282</td>
<td><strong>All Other Transfers to County Offices.</strong> Record transfers to county</td>
</tr>
<tr>
<td></td>
<td>offices of resources other than apportionments or pass-through revenues.</td>
</tr>
<tr>
<td>7283</td>
<td><strong>All Other Transfers to JPAs.</strong> Record transfers to JPAs of resources</td>
</tr>
<tr>
<td></td>
<td>other than apportionments or pass-through revenues.</td>
</tr>
<tr>
<td>7299</td>
<td><strong>All Other Transfers Out to All Others.</strong> Record transfers of resources</td>
</tr>
<tr>
<td></td>
<td>to non-LEAs.</td>
</tr>
<tr>
<td>7300–7399</td>
<td><strong>Transfers of Indirect Costs.</strong> Record transfers of indirect costs</td>
</tr>
<tr>
<td></td>
<td>between resources, goals, and funds. Use with Function 7210, Indirect</td>
</tr>
<tr>
<td></td>
<td>Cost Transfers, for both the debit and the credit.</td>
</tr>
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<tr>
<td><strong>Note:</strong> Objects 7370 and 7380 are valid through 2007-08. Beginning in 2008-09, use objects 5710 and 5750, Transfers of Direct Costs, to transfer direct costs and administrative costs other than indirect costs.</td>
<td></td>
</tr>
</tbody>
</table>

7310 **Transfers of Indirect Costs.** Record transfers within a fund of indirect costs, as described above. This account must net to zero by function at the fund level.

7350 **Transfers of Indirect Costs—Interfund.** Record transfers between funds of indirect costs, as described above. This account will reflect a balance at the fund level for the amount of between-funds costs; the total between-funds debit and credit transactions must net to zero by object.

7370 **Transfers of Direct Support Costs (Valid through 2007-08).** Record transfers of direct support costs between programs within a fund. This account must net to zero by function at the fund level. The function used may be one of many support functions, such as Function 3110, Guidance and Counseling Services, or Function 8100, Plant Maintenance and Operations. This account may also be used to record transfers of administrative costs other than indirect costs using Function 7210. Use Object 5710, Transfers of Direct Costs, beginning 2008-09.

7380 **Transfers of Direct Support Costs—Interfund (Valid through 2007-08).** Record transfers of direct support costs between funds. This account will reflect a balance at the fund level but only for the amount of between-funds costs. The total between-funds debit and credit transactions must net to zero by object as well as by function. This account may also be used to record transfers of administrative costs other than indirect costs using Function 7210. Use Object 5750, Transfers of Direct Costs—Interfund, beginning in 2008-09.

7430–7439 **Debt Service.** Debt service consists of expenditures for the retirement of debt and for interest on debt, except principal and interest on current or short-term loans (money borrowed and repaid during the same fiscal year). Use with Function 9100, Debt Service.

7432 **State School Building Repayments.** Record expenditures for state school building loan repayments (*Education Code* Section 16090).

7433 **Bond Redemptions.** Record expenditures to retire the principal of bonds.

7434 **Bond Interest and Other Service Charges.** Record expenditures to pay interest and other service charges on bonds.
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<tr>
<td>7435</td>
<td><strong>Repayment of State School Building Fund Aid—Proceeds from Bonds.</strong> Record expenditures for the repayment of the State School Building Aid Fund using the proceeds from the sale of bonds (<em>Education Code</em> Section 16058).</td>
</tr>
<tr>
<td>7436</td>
<td><strong>Payments to Original District for Acquisition of Property.</strong> Record expenditures to cover the liability of a newly organized district to the original district for the new district's proportionate share of the bonded indebtedness of the original district.</td>
</tr>
<tr>
<td>7438</td>
<td><strong>Debt Service—Interest.</strong> Record that portion of a debt service payment that represents the current interest expense due on the long-term debt.</td>
</tr>
<tr>
<td>7439</td>
<td><strong>Other Debt Service—Principal.</strong> Record that portion of the other debt service payment that represents the repayment of principal of long-term debt. Examples of other long-term debt include capital leases and certificates of participation.</td>
</tr>
<tr>
<td>7600–7699</td>
<td><strong>Other Financing Uses.</strong> The following objects are used for the transfer of funds or expenditures for other than general operations. They are used with the Other Outgo functions: Function 9100, Debt Service; Function 9200, Transfers Between Agencies; or Function 9300, Interfund Transfers.</td>
</tr>
<tr>
<td>7600–7629</td>
<td><strong>Interfund Transfers Out</strong></td>
</tr>
<tr>
<td>7611</td>
<td><strong>From General Fund to Child Development Fund.</strong> Record transfers of moneys from the general fund to support the activities in the child development fund (<em>Education Code</em> Section 41013). Use Object 8911 in the fund receiving the transfer.</td>
</tr>
<tr>
<td>7612</td>
<td><strong>Between General Fund and Special Reserve Fund.</strong> Record transfers of moneys between the general fund and the special reserve fund (<em>Education Code</em> sections 42840–42843). Use Object 8912 in the fund receiving the transfer.</td>
</tr>
<tr>
<td>7613</td>
<td><strong>To State School Building Fund/County School Facilities Fund from All Other Funds of the District.</strong> Record transfers of any moneys of the district that are required to be expended for the project for which such apportionment was made. Use Object 8913 in the fund receiving the transfer.</td>
</tr>
<tr>
<td>7614</td>
<td><strong>From Bond Interest and Redemption Fund to General Fund.</strong> Record transfers of moneys from the bond interest and redemption fund to the general fund or to the special reserve fund after all principal and interest payments have been made</td>
</tr>
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<tr>
<td>7615</td>
<td><strong>From General, Special Reserve, and Building Funds to Deferred Maintenance Fund.</strong> Record transfers of moneys from the general, special reserve, and/or building funds to the deferred maintenance fund to support state match requirements (<em>Education Code</em> sections 17582–17587). Use Object 8915 in the fund receiving the transfer.</td>
</tr>
<tr>
<td>7616</td>
<td><strong>From General Fund to Cafeteria Fund.</strong> Record transfers of moneys from the general fund to the cafeteria fund. LEAs may record the transfer of Meals for Needy Pupils as an interfund transfer rather than as a revenue limit transfer. Use Object 8916 in the fund receiving the transfer.</td>
</tr>
<tr>
<td>7619</td>
<td><strong>Other Authorized Interfund Transfers Out.</strong> Record all other authorized transfers of moneys to another fund. Use Object 8919 in the fund receiving the transfer.</td>
</tr>
<tr>
<td>7630–7699</td>
<td><strong>All Other Financing Uses</strong></td>
</tr>
<tr>
<td>7651</td>
<td><strong>Transfers of Funds from Lapsed/Reorganized LEAs.</strong> Record the disbursement of funds identified under <em>Education Code</em> sections 35560 and 35561. Also record the disbursement of funds from a defunct charter school or from a charter school whose authorizing agency changes.</td>
</tr>
<tr>
<td>7699</td>
<td><strong>All Other Financing Uses.</strong> Record expenditures for other financing uses not specified above. If long-term debt is issued at a discount, record the discount here. Debt issuance costs such as underwriter discounts and fees should be recorded in Object 5800. Do not use Object 7699 for debt service payments or for the return of unexpended resources to the grantor agency.</td>
</tr>
</tbody>
</table>

8000–8999 **REVENUES AND OTHER FINANCING SOURCES**

8000–8799 **Revenues**

8010–8099 **Revenue Limit Sources.** By law, most State School Fund apportionments or allowances to an LEA must be deposited in the general fund of the LEA. All such amounts must be accounted for in terms of the gross amount apportioned. Deductions and withholdings made by the State Controller, as required by law, must be accounted for as expenditures just as they would if the full apportionment had been received and an LEA warrant had been drawn for such purposes.
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<tr>
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<td>Before the gross revenue limit apportionment is determined, the state makes the adjustments of special education and county community school revenue limit funds for county-operated programs transferred from school districts to offices of county superintendents of schools. These adjustments will not be accounted for as expenditures. Revenue that was not previously accrued but is the result of the correction of a prior apportionment, or is included in the final state apportionment, should be recorded in the revenue class or classes that define the original apportionment.</td>
</tr>
<tr>
<td>8010–8019</td>
<td><strong>Principal Apportionment</strong></td>
</tr>
<tr>
<td>8011</td>
<td><strong>Revenue Limit State Aid—Current Year.</strong> Record amounts allowed for the current year, including amounts accrued at the end of the fiscal year. For school districts, this primarily includes general purpose funds allocated per regular kindergarten through grade twelve average daily attendance (<em>Education Code</em> Section 42238). For county offices of education, this primarily includes funds allocated for direct services provided to school districts and for performance of other county school service fund operations (<em>Education Code</em> sections 2550 and 14054), and services statutorily required or otherwise provided pursuant to <em>Education Code</em> sections 1240 through 1281.</td>
</tr>
<tr>
<td>8015</td>
<td><strong>Charter Schools General Purpose Entitlement—State Aid.</strong> Record the state-aid portion of the general purpose entitlement funding for charter schools. Include prior year adjustments. (Direct-funded charter schools use Object 8311 for supplemental instruction revenue.)</td>
</tr>
<tr>
<td>8019</td>
<td><strong>Revenue Limit State Aid—Prior Years.</strong> Record amounts received but not previously accrued for prior years' revenue limit state aid.</td>
</tr>
<tr>
<td>8020–8039</td>
<td><strong>Tax Relief Subventions</strong></td>
</tr>
<tr>
<td>8021</td>
<td><strong>Homeowners' Exemptions.</strong> Record amounts received for loss of revenue because of homeowners' exemptions (<em>Revenue and Taxation Code</em> Section 218).</td>
</tr>
</tbody>
</table>
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<tr>
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</thead>
<tbody>
<tr>
<td>8022</td>
<td><strong>Timber Yield Tax.</strong> Record the yield tax collected by the State Board of Equalization on timber harvested from private or public land (<a href="#">Government Code Section 27423; Revenue and Taxation Code Section 38905.1</a>).</td>
</tr>
<tr>
<td>8029</td>
<td><strong>Other Subventions/In-Lieu Taxes.</strong> Record amounts received for loss of revenue because of exemptions for motion picture films and wine and brandy products (<a href="#">Revenue and Taxation Code Section 988; Education Code Section 41052</a>) and severance-aid allowances for real property acquired for state highway purposes (<a href="#">Education Code Section 41960</a>).</td>
</tr>
<tr>
<td>8040–8079</td>
<td><strong>County and District Taxes.</strong> Record revenue from local sources in the appropriate subordinate classifications in this major classification. All revenue received from tax sources is to be accounted for when received (cash basis). Credits to the various LEA tax accounts are made on receipt of an apportionment notice from the county superintendent of schools indicating that taxes have been deposited in the county treasury.</td>
</tr>
<tr>
<td>8041</td>
<td><strong>Secured Roll Taxes.</strong> Record revenue from taxes levied on the secured roll (<a href="#">Revenue and Taxation Code sections 2601–2636</a>).</td>
</tr>
<tr>
<td>8042</td>
<td><strong>Unsecured Roll Taxes.</strong> Record revenue from taxes levied on the unsecured roll (<a href="#">Revenue and Taxation Code sections 2901–2928.1</a>).</td>
</tr>
<tr>
<td>8043</td>
<td><strong>Prior Years' Taxes.</strong> Record revenue from tax levies of prior years. Include secured and unsecured receipts from redemptions and tax sales.</td>
</tr>
<tr>
<td>8044</td>
<td><strong>Supplemental Taxes.</strong> Record taxes resulting from changes in assessed value due to changes in ownership and completion of new construction at the time they occur (<a href="#">Revenue and Taxation Code sections 75–75.9</a>).</td>
</tr>
<tr>
<td>8045</td>
<td><strong>Education Revenue Augmentation Fund (ERAF).</strong> Report the shift of property taxes from local agencies to schools according to SB 617 (Chapter 699, 1992), SB 844 (Chapter 700, 1992) and SB 1559 (Chapter 691, 1992).</td>
</tr>
<tr>
<td>8046</td>
<td><strong>Supplemental Educational Revenue Augmentation Fund (SERAF) (Valid 2009-10 and 2010-11 only).</strong> Record SERAF revenue received by a school district located in a redevelopment area, pursuant to ABX4 26 (Chapter 21, 2009).</td>
</tr>
<tr>
<td>8047</td>
<td><strong>Community Redevelopment Funds.</strong> Report community redevelopment funds, except for any amount received pursuant to Section 33401 or Section 33676 of the <a href="#">Health and Safety Code</a> that are used for land acquisition, facility construction,</td>
</tr>
</tbody>
</table>

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<td>reconstruction or remodeling, or deferred maintenance, and except for any amount received pursuant to sections 33492.15, 33607.5, and 33607.7 of the Health and Safety Code that is allocated exclusively for educational facilities (Education Code Section 42238[h][6]). These exceptions should be recorded in Object 8625, Community Redevelopment Funds Not Subject to Revenue Limit Deduction.</td>
</tr>
</tbody>
</table>

8048  **Penalties and Interest from Delinquent Taxes.** Record penalties and interest assessed on objects 8041–8044.

8070  **Receipts from County Board of Supervisors (County School Service Fund [CSSF] only).** Record receipts of taxes levied by county governments for the operations of fiscally dependent county offices of education.

8080–8089  **Miscellaneous Funds.** Include miscellaneous funds received from federal, state, and local sources (Education Code Section 41604).

8081  **Royalties and Bonuses.** Record the total amount of payments of all or a portion of the royalties and bonuses received from the operation of any law under the terms of any agreement. Subsequently, 50 percent of the amounts recorded here should be transferred to Other Local Revenue by debiting Object 8089 and crediting Object 8691.

8082  **Other In-Lieu Taxes.** Record payments received by the school district or county office in lieu of taxes on property or other tax base not subject to taxation on the same basis as privately owned property. Subsequently, 50 percent of the amounts recorded here should be transferred to Other Local Revenue by debiting Object 8089 and crediting Object 8691.

Amounts received by a charter school in lieu of property taxes from its sponsoring LEA should be recorded in Object 8096, Transfers to Charter Schools in Lieu of Property Taxes.

8089  **Less: Non-Revenue Limit (50 Percent) Adjustment.** Record the transfer of 50 percent of the amounts in objects 8081 and 8082 from unrestricted Revenue Limit Sources to Other Local Revenue by debiting Object 8089 and crediting Object 8691. Objects 8089 and 8691 must net to zero.

8090–8099  **Revenue Limit Transfers**

8091  **Revenue Limit Transfers—Current Year.** Record transfers of Revenue Limit Sources to applicable restricted resources, such as special education or
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<tr>
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<tbody>
<tr>
<td>8092</td>
<td><strong>PERS Reduction Transfer.</strong> Record the reduction to the revenue limit as a result of the PERS transfer. The amount reported in Object 8092 must equal the amounts reported in objects 3801–3802, PERS Reduction.</td>
</tr>
<tr>
<td>8096</td>
<td><strong>Transfers to Charter Schools in Lieu of Property Taxes (Effective 2007-08).</strong> Record funds transferred in lieu of property taxes by the sponsoring LEA to a charter school pursuant to Education Code Section 47635. This account is debited by the sponsoring LEA making the payment and credited by the charter school receiving the payment. This account should net to zero statewide.</td>
</tr>
<tr>
<td>8097</td>
<td><strong>Property Taxes Transfers.</strong> For county offices, report any transfer of taxes within the County School Service Fund, such as excess taxes transferred to the ROC/P; or the Special Education portion of revenue limit taxes; or transfers between LEAs, such as excess special education taxes transferred to districts or transfers of special education taxes between counties. For school districts, report any excess special education taxes collected by the county offices of education and subsequently transferred to the school districts. This account should net to zero statewide.</td>
</tr>
<tr>
<td>8099</td>
<td><strong>Revenue Limit Transfers—Prior Years.</strong> Record prior year adjustments of revenue limit sources transferred to applicable restricted resources, such as special education or continuation education. This account should net to zero LEA-wide.</td>
</tr>
<tr>
<td>8100–8299</td>
<td><strong>Federal Revenue.</strong> Record in the appropriate subordinate classifications revenue received from the federal government. Record federal revenue for which the state or any other agency serves as the distributing agency.</td>
</tr>
<tr>
<td>8110</td>
<td><strong>Maintenance and Operations (Public Law 81-874).</strong> Record the amounts allowed for maintenance and operations of the district resulting from the identification of students or parents in federally impacted areas in accordance with Impact Aid programs. These funds are in lieu of property taxes and, except for the additional funds provided for federally connected children with disabilities, are unrestricted.</td>
</tr>
<tr>
<td>8181</td>
<td><strong>Special Education—Entitlement.</strong> Record the federal Individuals with Disabilities Education Act of 2004 (IDEA) entitlement, which is deducted from the state apportionment for special education (see Resource 3310).</td>
</tr>
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</table>
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<tbody>
<tr>
<td>8182</td>
<td><strong>Special Education—Discretionary Grants.</strong> Record all other federal revenues for special education pursuant to the IDEA.</td>
</tr>
<tr>
<td>8220</td>
<td><strong>Child Nutrition Programs.</strong> Record federal revenues for child nutrition programs.</td>
</tr>
<tr>
<td>8260</td>
<td><strong>Forest Reserve Funds.</strong> Record all revenue from forest reserve funds apportioned by the federal government and distributed to the district by the county superintendent of schools with the approval of the county board of education (<em>Education Code</em> Section 2300).</td>
</tr>
<tr>
<td>8270</td>
<td><strong>Flood Control Funds.</strong> Record all revenue from flood-control funds apportioned by the federal government and distributed to the district by the county superintendent of schools with the approval of the county board of education (<em>Education Code</em> Section 1606).</td>
</tr>
<tr>
<td>8280</td>
<td><strong>U.S. Wildlife Reserve Funds.</strong> Record amounts received from U.S. Wildlife Reserve funds.</td>
</tr>
<tr>
<td>8281</td>
<td><strong>FEMA.</strong> Record revenues received from the Federal Emergency Management Agency.</td>
</tr>
<tr>
<td>8285</td>
<td><strong>Interagency Contracts Between LEAs.</strong> Record federal revenues received from another LEA for providing services on a contractual basis for the other LEA.</td>
</tr>
<tr>
<td>8287</td>
<td><strong>Pass-Through Revenues from Federal Sources.</strong> Record the receipt of those federal pass-through grants in which the recipient LEA has only administrative involvement. Refer to Procedure 750 for information regarding pass-through activities. The disbursements of these pass-through grants should be recorded using objects 7211, 7212, and 7213, as appropriate.</td>
</tr>
<tr>
<td>8290</td>
<td><strong>All Other Federal Revenue.</strong> Record all other federal funds received.</td>
</tr>
<tr>
<td>8300–8599</td>
<td><strong>Other State Revenue</strong></td>
</tr>
</tbody>
</table>
| 8311 | **Other State Apportionments—Current Year.** Report revenues received under the Principal Apportionment other than the state-aid portion of the revenue limit. Include apportionments for Regional Occupational Centers and Programs, Adult Education, the apprenticeship program, supplemental instruction programs,
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<td></td>
<td>Community Day School additional hours funding, special education programs, and Gifted and Talented Education.</td>
</tr>
<tr>
<td></td>
<td>Report revenues received under the Special Purpose Apportionment. They include apportionments for Home-to-School Transportation, Special Education Transportation, and Economic Impact Aid.</td>
</tr>
<tr>
<td></td>
<td>This account is intended to record amounts allowed for the current year, including amounts accrued at the end of the fiscal year.</td>
</tr>
<tr>
<td>8319</td>
<td>Other State Apportionments—Prior Years. Record the amounts received but not previously accrued for prior years' revenues received under the Principal Apportionment other than the state portion of the revenue limit.</td>
</tr>
<tr>
<td>8425</td>
<td>Year-Round School Incentive. Record revenues for year-round school pursuant to Education Code Section 42260 et seq.</td>
</tr>
<tr>
<td>8434</td>
<td>Class Size Reduction, Grades K–3. Record revenues realized for reducing class size in kindergarten and grades one through three, inclusive, pursuant to Education Code sections 52120–52128.</td>
</tr>
<tr>
<td>8435</td>
<td>Class Size Reduction, Grade Nine (Inactive effective 2009-10 due to statutory categorical flexibility provisions). Record unrestricted revenues for reducing class size in grade nine pursuant to Education Code sections 52080–52090.</td>
</tr>
<tr>
<td>8480</td>
<td>Charter Schools Categorical Block Grant (Inactive effective 2009-10 due to statutory categorical flexibility provisions). Record the charter schools block grant amount in lieu of categorical funding.</td>
</tr>
<tr>
<td>8520</td>
<td>Child Nutrition. Record state revenues for child nutrition programs.</td>
</tr>
<tr>
<td>8530</td>
<td>Child Development Apportionments. Record revenues for child development programs.</td>
</tr>
<tr>
<td>8540</td>
<td>Deferred Maintenance Allowance (Inactive effective 2009-10 due to statutory categorical flexibility provisions). Record the allocation of State School Deferred Maintenance funds received by the LEA from the State Allocation Board (Education Code sections 17582–17587).</td>
</tr>
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<td>8545</td>
<td><strong>School Facilities Apportionments.</strong> Record state apportionments received for school facilities projects funded pursuant to the Leroy F. Greene School Facilities Act of 1998 (Education Code sections 17070–17079).</td>
</tr>
<tr>
<td>8550</td>
<td><strong>Mandated Cost Reimbursements.</strong> Record in the year received amounts for reimbursements of costs of legislatively mandated programs (Government Code sections 17500–17616).</td>
</tr>
<tr>
<td>8560</td>
<td><strong>State Lottery Revenue.</strong> Record the revenue received under the California State Lottery Act of 1984 (Government Code Section 8880.4). This revenue is recorded in the general fund.</td>
</tr>
<tr>
<td>8571–8579</td>
<td><strong>Tax Relief Subventions</strong></td>
</tr>
<tr>
<td>8571</td>
<td><strong>Voted Indebtedness Levies, Homeowners' Exemptions.</strong> Record amounts received for loss of revenue because of homeowners' exemptions. These amounts are restricted levies for debt service repayment proceeds.</td>
</tr>
<tr>
<td>8572</td>
<td><strong>Voted Indebtedness Levies, Other Subventions/In-Lieu Taxes.</strong> Record amounts received for loss of revenue because of certain exemptions. These amounts are restricted levies for debt service repayment proceeds.</td>
</tr>
<tr>
<td>8575</td>
<td><strong>Other Restricted Levies, Homeowners' Exemptions.</strong> Record amounts received for loss of revenue because of homeowners' exemptions. These amounts are restricted levies for other than debt service repayment proceeds, such as the County Free Library Tax.</td>
</tr>
<tr>
<td>8576</td>
<td><strong>Other Restricted Levies, Other Subventions/In-Lieu Taxes.</strong> Record amounts received for loss of revenue because of certain exemptions. These amounts are restricted levies for other than debt service repayment proceeds, such as the County Free Library Tax.</td>
</tr>
<tr>
<td>8587</td>
<td><strong>Pass-Through Revenues from State Sources.</strong> Record the receipt of those state pass-through grants in which the recipient LEA has only administrative involvement. Refer to Procedure 750 for information regarding pass-through activities. The disbursements of these pass-through grants should be recorded using objects 7211, 7212, and 7213, as appropriate.</td>
</tr>
<tr>
<td>8590</td>
<td><strong>All Other State Revenue.</strong> Record all other state funds received.</td>
</tr>
</tbody>
</table>
### Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>8600–8799</td>
<td><strong>Other Local Revenue.</strong> Record in the appropriate subordinate classifications in this major classification revenue from local sources. All revenue received from tax sources is to be accounted for when it is received (cash basis). Credits to an LEA's various tax accounts are made on receipt of an apportionment notice from the county superintendent of schools indicating that taxes have been deposited in the county treasury.</td>
</tr>
<tr>
<td>8610–8629</td>
<td><strong>County and District Taxes</strong></td>
</tr>
<tr>
<td>8611</td>
<td><strong>Voted Indebtedness Levies, Secured Roll.</strong> Record revenue from taxes levied on the secured tax roll for debt service repayment.</td>
</tr>
<tr>
<td>8612</td>
<td><strong>Voted Indebtedness Levies, Unsecured Roll.</strong> Record revenue from taxes levied on the unsecured tax roll for debt service repayment.</td>
</tr>
<tr>
<td>8613</td>
<td><strong>Voted Indebtedness Levies, Prior Years' Taxes.</strong> Record revenue from tax levies of prior years for debt service repayment. Include secured and unsecured receipts from redemptions and tax sales.</td>
</tr>
<tr>
<td>8614</td>
<td><strong>Voted Indebtedness Levies, Supplemental Taxes.</strong> Record taxes resulting from changes in assessed value because of changes in ownership and completion of new construction at the time they occur. Record in this account those taxes for debt service repayment.</td>
</tr>
<tr>
<td>8615</td>
<td><strong>Other Restricted Levies, Secured Roll.</strong> Record revenue from taxes levied on the secured tax roll in excess of the statutory rates authorized in the <em>Education Code</em> for purposes other than debt service repayment, such as the County Free Library Tax.</td>
</tr>
<tr>
<td>8616</td>
<td><strong>Other Restricted Levies, Unsecured Roll.</strong> Record revenue from taxes levied on the unsecured tax roll in excess of the statutory rates authorized in the <em>Education Code</em> for purposes other than debt service repayment, such as the County Free Library Tax. Include secured and unsecured receipts from redemptions and tax sales.</td>
</tr>
<tr>
<td>8617</td>
<td><strong>Other Restricted Levies, Prior Years' Taxes.</strong> Record revenue from tax levies of prior years in excess of the statutory rates authorized in the <em>Education Code</em> for purposes other than debt service repayment, such as the County Free Library Tax. Include secured and unsecured receipts from redemptions and tax sales.</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

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<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>8618</td>
<td><strong>Other Restricted Levies, Supplemental Taxes.</strong> Record taxes resulting from changes in assessed value because of changes in ownership and completion of new construction at the time they occur. Record in this account those restricted levies for purposes other than debt service repayment, such as the County Free Library Tax.</td>
</tr>
<tr>
<td>8621</td>
<td><strong>Parcel Taxes.</strong> Record the special taxes based on other than the value of properties (not ad valorem) levied by LEA.</td>
</tr>
<tr>
<td>8622</td>
<td><strong>Other Non-Ad Valorem Taxes.</strong> Record all other non-ad valorem taxes, such as sales taxes or maintenance assessment district funds or Mello-Roos special tax receipts.</td>
</tr>
<tr>
<td>8625</td>
<td><strong>Community Redevelopment Funds Not Subject to Revenue Limit Deduction.</strong> Record community redevelopment funds not subject to the revenue limit deduction pursuant to <em>Education Code</em> Section 42238(h)(6). Include amounts received pursuant to <em>Health and Safety Code</em> Section 33401 or Section 33676 that are used for land acquisition, facility construction, reconstruction, remodeling, or deferred maintenance and amounts received pursuant to <em>Health and Safety Code</em> sections 33492.15, 33607.5, or 33607.7 that are allocated exclusively for educational facilities.</td>
</tr>
<tr>
<td>8629</td>
<td><strong>Penalties and Interest from Delinquent Non-Revenue Limit Taxes.</strong> Record penalties and interest collected on delinquent non-revenue limit taxes.</td>
</tr>
<tr>
<td>8631–8639</td>
<td><strong>Sales</strong></td>
</tr>
<tr>
<td>8631</td>
<td><strong>Sale of Equipment and Supplies.</strong> Record revenue from the sale of supplies and equipment no longer needed by the LEA. The money received is to be placed to the credit of the fund from which the original expenditure for the purchase of the personal property was made (<em>Education Code</em> Section 17547).</td>
</tr>
<tr>
<td>8632</td>
<td><strong>Sale of Publications.</strong> Record revenue from the sale of publications.</td>
</tr>
<tr>
<td>8634</td>
<td><strong>Food Service Sales.</strong> Record sales of meals and other food items.</td>
</tr>
<tr>
<td>8639</td>
<td><strong>All Other Sales.</strong> Record revenue received from all other sales, such as farm products and printed forms. In the Warehouse Revolving Fund, record revenue received for items requisitioned by site, program, or department staff.</td>
</tr>
</tbody>
</table>
### Procedure 330 Object Classification

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<tbody>
<tr>
<td>8650</td>
<td><strong>Leases and Rentals.</strong> Record revenue for the use of school buildings or portions thereof, houses and other real or personal property of the LEA, and fees collected for civic center use, including reimbursements for custodial salaries and other costs.</td>
</tr>
<tr>
<td>8660</td>
<td><strong>Interest.</strong> Record revenue credited or prorated by the county auditor for interest on deposits of the LEA's funds with the county treasurer and interest earnings. Record any premium on issuance of short-term debt such as Tax and Revenue Anticipation Notes (TRANs).</td>
</tr>
<tr>
<td>8662</td>
<td><strong>Net Increase (Decrease) in the Fair Value of Investments.</strong> Report gains and losses on investments, including changes in the fair value of investments that include the realized and unrealized gains and losses. Refer to Procedure 425 for information regarding accounting for and reporting the fair value of investments.</td>
</tr>
<tr>
<td>8670–8689</td>
<td><strong>Fees and Contracts</strong></td>
</tr>
<tr>
<td>8671</td>
<td><strong>Adult Education Fees.</strong> Record revenue received from students enrolled in classes for adults under Education Code Section 52612. This revenue is recorded in the Adult Education Fund.</td>
</tr>
<tr>
<td>8672</td>
<td><strong>Nonresident Student Fees.</strong> Record the revenue received from parents or guardians for the total cost of educating foreign residents in the schools of the LEA (Education Code Section 48052).</td>
</tr>
<tr>
<td>8673</td>
<td><strong>Child Development Parent Fees.</strong> Record revenue received from parents or guardians as fees for the instruction and care of children in child development programs. This revenue is recorded in the Child Development Fund.</td>
</tr>
<tr>
<td>8674</td>
<td><strong>In-District Premiums/Contributions.</strong> Record revenue received by a self-insurance fund from other funds of the district for insurance protection, necessary reserves, or deductible amounts or revenue received by the Retiree Benefit Fund for restricted money from salary-reduction agreements, other contributions for employee retirement benefit payments, or both.</td>
</tr>
<tr>
<td>8675</td>
<td><strong>Transportation Fees from Individuals.</strong> Report fees paid by students to be transported to school. This object may be used only with Resource 7230, Transportation: Home to School.</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
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<tr>
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</table>
| 8677  | **Interagency Services Between LEAs.** Record revenue received from another LEA for contract services provided for the other LEA, except for federal moneys. Include amounts received for supervisorial oversight or for administrative or other services provided to a charter school by an authorizing LEA pursuant to *Education Code* Section 47613.  
To ensure that federal interagency revenues retain their federal identity, they should be reported in Object 8285, Interagency Contracts Between LEAs.  
Expenditures made by an LEA to fulfill contracts on behalf of another LEA should be coded to Goal 7110, Nonagency—Educational. |
| 8681  | **Mitigation/Developer Fees.** Report, in the general fund, only those fees collected by agreement between the school district and the developer that are not imposed as a condition for approving a residential development. Any fees that are collected as a condition to approving a development must be deposited in the Capital Facilities Fund (Fund 25). |
| 8689  | **All Other Fees and Contracts.** Record revenue received for all other fees and contract services from entities other than LEAs. |
| 8690–8719 | **Other Local Revenue**                                                    |
| 8691  | **Plus: Miscellaneous Funds Non-Revenue Limit (50 Percent) Adjustment.**  
Record the transfer of 50 percent of the amounts in objects 8081 and 8082 from Revenue Limit Sources to Other Local Revenue by debiting Object 8089 and crediting Object 8691. Objects 8089 and 8691 must net to zero. |
| 8697  | **Pass-Through Revenue from Local Sources.** Record the receipts of those local pass-through grants in which the recipient LEA has administrative involvement. Refer to Procedure 750 for information regarding pass-through activities.  
The disbursements of these pass-through grants should be recorded using objects 7211, 7212, and 7213, as appropriate. |
| 8699  | **All Other Local Revenue.** Record all other local revenue, except funds defined as "miscellaneous funds" in *Education Code* Section 41604, received from entities other than LEAs. Examples of revenue recorded in this account are library fines, contributions, gifts, and reimbursement for practice teaching. |
| 8710  | **Tuition.** Record tuition payments received from the following sources:    |
Procedure 330  Object Classification

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<thead>
<tr>
<th>Code</th>
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<tbody>
<tr>
<td></td>
<td>Tuition contracts for general or specific instructional services, including transportation for interdistrict attendance agreement (IDAA) pupils (<em>Education Code</em> sections 46600–46611). See Object 8677, Interagency Services Between LEAs, for revenue from contracts for services provided for another LEA's pupils.</td>
</tr>
<tr>
<td></td>
<td>Payments from governing boards or authorities in other states for the total cost of educating elementary or high school students whose places of residence are in the other states (<em>Education Code</em> Section 48050). No California state aid is apportioned for such students.</td>
</tr>
<tr>
<td></td>
<td>Revenues received for excess costs and/or deficits for providing services to other LEAs' pupils.</td>
</tr>
<tr>
<td></td>
<td>All other tuition payments not identified above.</td>
</tr>
<tr>
<td>8780-8799</td>
<td><strong>Interagency Transfers In</strong></td>
</tr>
<tr>
<td>8780</td>
<td><strong>Transfers from Sponsoring LEAs to Charter Schools in Lieu of Property Taxes (Obsolete as of 2007-08).</strong> Formerly used to record the transfer of local revenues from sponsoring LEAs to charter schools. Use Object 8096, Transfers to Charter Schools in Lieu of Property Taxes, beginning 2007-08.</td>
</tr>
<tr>
<td>8781</td>
<td><strong>All Other Transfers from Districts or Charter Schools.</strong> Record transfers of resources other than apportionments or pass-through revenues from school districts or charter schools.</td>
</tr>
<tr>
<td>8782</td>
<td><strong>All Other Transfers from County Offices.</strong> Record transfers of resources other than apportionments or pass-through revenues from county offices. An example is the transfer of funding from a county office of education to a direct-service district for health services.</td>
</tr>
<tr>
<td>8783</td>
<td><strong>All Other Transfers from JPAs.</strong> Record transfers of resources other than apportionments or pass-through revenues from JPAs.</td>
</tr>
<tr>
<td>8791</td>
<td><strong>Transfers of Apportionments from Districts or Charter Schools.</strong> Record transfers of apportionments of special education or regional occupational centers/programs from school districts or charter schools.</td>
</tr>
</tbody>
</table>
## Procedure 330 Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>8792</td>
<td><strong>Transfers of Apportionments from County Offices.</strong> Record transfers of</td>
</tr>
<tr>
<td></td>
<td>apportionments of special education or regional occupational centers/programs</td>
</tr>
<tr>
<td></td>
<td>from county offices.</td>
</tr>
<tr>
<td>8793</td>
<td><strong>Transfers of Apportionments from JPAs.</strong> Record transfers of apportion-</td>
</tr>
<tr>
<td></td>
<td>ments of special education or regional occupational centers/programs from</td>
</tr>
<tr>
<td></td>
<td>JPAs.</td>
</tr>
<tr>
<td>8799</td>
<td><strong>Other Transfers In from All Others.</strong> Record transfers of resources from</td>
</tr>
<tr>
<td></td>
<td>non-LEAs.</td>
</tr>
<tr>
<td>8900–8999</td>
<td><strong>Other Financing Sources</strong></td>
</tr>
<tr>
<td>8910–8929</td>
<td><strong>Interfund Transfers In</strong></td>
</tr>
<tr>
<td>8911</td>
<td><strong>To Child Development Fund from General Fund.</strong> Record transfers of moneys</td>
</tr>
<tr>
<td></td>
<td>from the general fund to support the activities in the child development</td>
</tr>
<tr>
<td></td>
<td>fund (<em>Education Code</em> Section 41013). Use Object 7611 in the fund making</td>
</tr>
<tr>
<td></td>
<td>the transfer.</td>
</tr>
<tr>
<td>8912</td>
<td><strong>Between General Fund and Special Reserve Fund.</strong> Record transfers of moneys</td>
</tr>
<tr>
<td></td>
<td>between the general fund and the special reserve fund (<em>Education Code</em></td>
</tr>
<tr>
<td></td>
<td>sections 42840–42843). Use Object 7612 in the fund making the transfer.</td>
</tr>
<tr>
<td>8913</td>
<td>**To State School Building Fund/County School Facilities Fund from All</td>
</tr>
<tr>
<td></td>
<td>Other Funds. Record transfers of any moneys of the district that are</td>
</tr>
<tr>
<td></td>
<td>required to be expended for the project for which such apportionment was</td>
</tr>
<tr>
<td></td>
<td>made. Use Object 7613 in the fund making the transfer.</td>
</tr>
<tr>
<td>8914</td>
<td><strong>To General Fund from Bond Interest and Redemption Fund.</strong> Record transfers</td>
</tr>
<tr>
<td></td>
<td>of moneys from the bond interest and redemption fund, after all principal</td>
</tr>
<tr>
<td></td>
<td>and interest payments have been made, to the general fund or to the special</td>
</tr>
<tr>
<td></td>
<td>reserve fund (<em>Education Code</em> sections 15234 and 15235). Use Object 7614</td>
</tr>
<tr>
<td></td>
<td>in the fund making the transfer.</td>
</tr>
<tr>
<td>8915</td>
<td>**To Deferred Maintenance Fund from General, Special Reserve, and Building</td>
</tr>
<tr>
<td></td>
<td>Funds. Record transfers of moneys from the general, special reserve, and/or</td>
</tr>
<tr>
<td></td>
<td>building funds to the deferred maintenance fund to support state match</td>
</tr>
<tr>
<td></td>
<td>requirements (<em>Education Code</em> sections 17582–17587). Use Object 7615 in</td>
</tr>
<tr>
<td></td>
<td>the fund making the transfer.</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>8916</td>
<td><strong>To Cafeteria Fund from General Fund.</strong> Record transfers of moneys from the general fund to the cafeteria fund. LEAs may record the transfer of Meals for Needy Pupils as an interfund transfer rather than as a revenue limit transfer. Use Object 7616 in the fund making the transfer.</td>
</tr>
<tr>
<td>8919</td>
<td><strong>Other Authorized Interfund Transfers In.</strong> Record all other authorized transfers of moneys from another fund. Use Object 7619 in the fund making the transfer.</td>
</tr>
<tr>
<td>8930–8979</td>
<td><strong>All Other Financing Sources</strong></td>
</tr>
<tr>
<td>8931</td>
<td><strong>Emergency Apportionments.</strong> Record the amount of emergency apportionments authorized under Education Code sections 41320–41322.</td>
</tr>
<tr>
<td>8951</td>
<td><strong>Proceeds from Sale of Bonds.</strong> Record proceeds from the sale of bonds at par value. The amounts received from the sale of bonds must be deposited in the building fund of the LEA (Education Code Section 15146).</td>
</tr>
<tr>
<td>8953</td>
<td><strong>Proceeds from Sale/Lease Purchase of Land and Buildings.</strong> Record revenue from the sale or lease-purchase of land and buildings. The funds may be used under the provisions of Education Code Section 17462.</td>
</tr>
<tr>
<td>8961</td>
<td><strong>County School Building Aid.</strong> Record revenue received for payments required pursuant to School Building Aid laws (Education Code sections 16196, 16202, and 16204).</td>
</tr>
<tr>
<td>8965</td>
<td><strong>Transfers from Funds of Lapsed/Reorganized LEAs.</strong> Record revenue received under Education Code sections 35560 and 35561. Also record revenue received from a defunct charter school or from a charter school whose authorizing LEA changes.</td>
</tr>
<tr>
<td>8971</td>
<td><strong>Proceeds from Certificates of Participation.</strong> Record the proceeds received from the issuance of certificates of participation.</td>
</tr>
<tr>
<td>8972</td>
<td><strong>Proceeds from Capital Leases.</strong> Record the proceeds that result from entering into a capital lease.</td>
</tr>
<tr>
<td>8973</td>
<td><strong>Proceeds from Lease Revenue Bonds.</strong> Record the proceeds from the issuance of lease revenue bonds that are deposited to the general fund or to capital project funds.</td>
</tr>
</tbody>
</table>
**Procedure 330  Object Classification**

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>8979</td>
<td><strong>All Other Financing Sources.</strong> Record the proceeds from other financing sources not specified above. If long-term debt is issued at a premium, record the premium here. Use Object 8979 for charter school loans.</td>
</tr>
<tr>
<td>8980–8999</td>
<td><strong>Contributions</strong></td>
</tr>
<tr>
<td>8980</td>
<td><strong>Contributions from Unrestricted Revenues.</strong> Record the amount of money that must be contributed from unrestricted resources in the general fund when the expenditures incurred for a given restricted resource exceed the amount available for expenditure. This account may also apply to contributions of unrestricted resources to other unrestricted resources. Also record in this account the LEA’s contribution of matching funds (the cash match) if required by a special project. A contribution is recorded by debiting Object 8980 in Resource 0000, Unrestricted, and by crediting Object 8980 in the resource receiving the contribution. This account must net to zero at the fund level.</td>
</tr>
<tr>
<td>8990</td>
<td><strong>Contributions from Restricted Revenues.</strong> Record contributions of restricted revenues to another resource, such as contributions to a School-Based Coordinated Program (SBCP) or a Schoolwide Program (SWP), or No Child Left Behind (NCLB) flexibility transfers. A contribution is recorded by debiting Object 8990 in the resource making the contribution and by crediting Object 8990 in the resource receiving the contribution. This account must net to zero at the fund level.</td>
</tr>
<tr>
<td>8995</td>
<td><strong>Categorical Education Block Grant Transfers (Inactive effective 2009-10 due to statutory categorical flexibility provisions).</strong> Record transfers of categorical education block grant apportionments pursuant to <em>Education Code</em> Section 41500, enacted by AB 825. A maximum of 15 percent of these apportionments may be transferred to any other programs for which the school district or county office of education is eligible for state funding, including programs not in the block grants. The total amount of funding for a program to which funds are transferred may not exceed 120 percent of the amount of state funding originally allocated to the school district or county office for that program in a fiscal year. A transfer is recorded by debiting Object 8995 in the resource making the transfer and by crediting Object 8995 in the resource receiving the transfer. This account must net to zero at the fund level. Transfers involving these apportionments other than those transfers specified in <em>Education Code</em> Section 41500, such as the transfer of School and Library Improvement Block Grant (Resource 7395) revenue into School Based Coordinated Programs (Resource 7250), should be recorded using Object 8990.</td>
</tr>
</tbody>
</table>
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</tr>
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<tbody>
<tr>
<td></td>
<td>Transfers among categorical programs pursuant to Section 12.40 of the annual Budget Act should be recorded using Object 8998.</td>
</tr>
<tr>
<td>8997</td>
<td><strong>Transfers of Restricted Balances (Valid 2003-04, 2008-09 and 2009-10 only).</strong> Record the transfer of restricted account balances pursuant to enacted legislation authorizing such transfers. For example, this account was used in 2003-04 to record transfers of restricted account balances pursuant to AB 1754 and in 2008-09 and 2009-10 to record transfers of June 30, 2008 restricted account balances pursuant to SBX3 4. This legislation authorized LEAs to use certain restricted account balances for general operating purposes to mitigate the effects of state budget reductions. Other transfers between or from restricted programs should be recorded in Object 8990.</td>
</tr>
<tr>
<td>8998</td>
<td><strong>Categorical Flexibility Transfers (Inactive effective 2009-10).</strong> For 2008-09, record the transfer of unspent restricted account balances for which the funding was made flexible pursuant to SBX3 4. Prior to 2008-09, this object was used to record the reallocation of categorical revenue among categorical programs defined in Section 12.40 of the annual Budget Act (formerly referred to as Mega-Item Transfers and Flexibility Transfers). A transfer is recorded by debiting Object 8998 in the resource making the transfer and by crediting Object 8998 in the resource receiving the transfer.</td>
</tr>
</tbody>
</table>

### 9000–9999 BALANCE SHEET

#### 9100–9499 Assets

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9110</td>
<td><strong>Cash in County Treasury.</strong> Beginning cash balance, plus all moneys deposited in the county treasury less disbursements. Included are all amounts added or deducted at the county level.</td>
</tr>
<tr>
<td>9111</td>
<td><strong>Fair Value Adjustment to Cash in County Treasury.</strong> The difference between the fair value and the reported amount of cash in county treasury.</td>
</tr>
<tr>
<td>9120</td>
<td><strong>Cash in Bank(s).</strong> Indicated balances in separate bank accounts for adult education incidentals, scholarships and loans, school farm accounts, and cafeteria accounts (<em>Education Code</em> sections 35314, 52704, and 38093). This account also includes any money in a bank clearing account awaiting deposit in the county treasury (<em>Education Code</em> Section 41017).</td>
</tr>
</tbody>
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<tr>
<td>9130</td>
<td><strong>Revolving Cash Account.</strong> (1) A recording of the establishment and maintenance of a cash account for use of the chief accounting officer or other designated official of the LEA in accordance with <em>Education Code</em> sections 42800–42806, 42810, 42820, and 42821. This account is similar in use and control to accounts known as petty cash funds and includes petty cash funds. Once this account is established, it should be carried indefinitely in the general ledger and shown in all balance sheets and budgets until it is abolished. The amount recorded will vary only through increase or decrease in the total amount approved for the account. It should be noted that the revolving cash account is a reservation of cash within an already established fund and is not to be considered or accounted for as a separate fund or entity. (2) A sum of money, either in the form of currency or a special bank account, set aside for the purpose of making change or immediate payments of small amounts. The invoices for these payments are accumulated, and the account is reimbursed from the LEA's funds, thus maintaining the account at the predetermined amount. Checks drawn on a prepayment account may not be for more than $1,000, including tax and freight (<em>Education Code</em> Section 42821).</td>
</tr>
<tr>
<td>9135</td>
<td><strong>Cash with a Fiscal Agent/Trustee.</strong> Deposits with a fiscal agent, such as a third-party administrator for self-insurance. This account also includes the proceeds of certificates of participation deposited with a trustee and amounts in an escrow account.</td>
</tr>
<tr>
<td>9140</td>
<td><strong>Cash Collections Awaiting Deposit.</strong> Money received by an LEA and not yet deposited in a bank account or the county treasury (<em>Education Code</em> Section 41001). This account is usually posted on June 30 for those material revenues in the LEA safe/vault.</td>
</tr>
<tr>
<td>9150</td>
<td><strong>Investments.</strong> Investments authorized by the governing board of the LEA recorded at fair value (<em>GASB Statement 31</em>) (<em>Education Code</em> Section 41015).</td>
</tr>
<tr>
<td>9200</td>
<td><strong>Accounts Receivable.</strong> Amounts due from private persons, firms, or corporations. Accounts receivable will be limited to auditable amounts (usually based on contractual agreements); to amounts billed but not received; and, within provision of law, to amounts that were earned by the close of the fiscal year and that might have been received and deposited in the county treasury by that date except for the lack of time for settlement.</td>
</tr>
<tr>
<td>9290</td>
<td><strong>Due from Grantor Governments.</strong> This account is used to record amounts receivable from state and federal agencies. It represents amounts earned by or allocated to a school district from state sources or earned under a federal financial assistance program in excess of cash receipts during the fiscal year.</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This account is also used if the grantors are other governmental entities, including counties, cities, and other school districts.</td>
</tr>
<tr>
<td>9310</td>
<td><strong>Due from Other Funds.</strong> Amounts due from other funds of the LEA.</td>
</tr>
<tr>
<td>9320</td>
<td><strong>Stores.</strong> Amounts of materials, supplies, and possibly certain equipment kept in a central warehouse and subject to requisition and use.</td>
</tr>
<tr>
<td>9330</td>
<td><strong>Prepaid Expenditures (Expenses).</strong> Payments made in advance of the receipt and use of services. Prepaid insurance premiums are illustrative. That portion of the premium paid in advance for coverage beyond the current fiscal year may be charged to Prepaid Expenditures. Adjustments to this account in the succeeding fiscal years apportion the premium over the period covered.</td>
</tr>
<tr>
<td></td>
<td>In governmental fund accounting, expenditures for insurance and similar services extending over more than one accounting period need not be allocated between or among accounting periods but may be accounted for as expenditures in periods of acquisition.</td>
</tr>
<tr>
<td>9340</td>
<td><strong>Other Current Assets.</strong> Assets that are available or that can be made readily available to meet operating costs or to pay current liabilities.</td>
</tr>
<tr>
<td>9400–9499</td>
<td><strong>Capital Assets.</strong> Accounts used in the proprietary or trust funds to present the assets of the LEA. These assets are of a permanent character and are intended to continue to be held or used.</td>
</tr>
<tr>
<td>9410</td>
<td><strong>Land.</strong> A capital asset account reflecting the cost of land owned by the LEA.</td>
</tr>
<tr>
<td>9420</td>
<td><strong>Land Improvements.</strong> A capital asset account reflecting the cost of permanent improvements, other than buildings, which add value to land, such as sidewalks, gutters, pavement, and fences.</td>
</tr>
<tr>
<td>9425</td>
<td><strong>Accumulated Depreciation—Land Improvements.</strong> A contra-asset account used to report the accumulation of systematic and rational allocations of the estimated cost of using land improvements on a historical cost basis over the useful life of the improvement. The depreciation expense is reported in Object 6900, Depreciation Expense, in proprietary and fiduciary funds only.</td>
</tr>
<tr>
<td>9430</td>
<td><strong>Buildings.</strong> A capital asset account reflecting the cost of permanent structures owned or held by the LEA.</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9435</td>
<td><strong>Accumulated Depreciation—Buildings.</strong> A contra-asset account used to report the accumulation of systematic and rational allocations of the estimated cost of using buildings on a historical cost basis over the useful life of the building. The depreciation expense is reported in Object 6900, Depreciation Expense, in proprietary and fiduciary funds only.</td>
</tr>
<tr>
<td>9440</td>
<td><strong>Equipment.</strong> A capital asset account reflecting the cost of properties that do not lose their identity when removed from their location and are not changed materially or consumed immediately (e.g., within one year) by use. Equipment has relatively permanent value, and its purchase increases the total value of an LEA's physical properties. Examples include furniture, vehicles, machinery, motion-picture films, videotapes, furnishings that are not an integral part of the building or building system, and certain intangible assets, such as major software programs.</td>
</tr>
<tr>
<td>9445</td>
<td><strong>Accumulated Depreciation—Equipment.</strong> A contra-asset account used to report the accumulation of systematic and rational allocations of the estimated cost of using equipment on a historical cost basis over the useful life of the equipment. The depreciation expense is reported in Object 6900, Depreciation Expense, in the proprietary and fiduciary funds only.</td>
</tr>
<tr>
<td>9450</td>
<td><strong>Work in Progress.</strong> An asset account representing the value of partially completed work.</td>
</tr>
<tr>
<td>9500–9699</td>
<td><strong>Liabilities</strong></td>
</tr>
</tbody>
</table>
| 9500  | **Accounts Payable (Current Liabilities).** Amounts due to private persons, firms, or corporations for services rendered and goods received on or before the close of the fiscal year. Do not include encumbrances represented by purchase orders or contracts, or portions thereof, for services or goods to be furnished after the close of the fiscal year. Include salaries earned but not paid until after June 30, amounts owed to other LEAs for tuition payments, that portion of construction contracts represented by work done by the close of the fiscal period, invoices for materials or equipment received prior to June 30, and so forth. Use Object 9620, Due to Student Groups/Other Agencies, for the liabilities of a trust or agency fund. 

*Note:* Range 9501–9589 is reserved for local use, such as for payroll tax accruals. |
<p>| 9501–9589 | <strong>Accounts Payable—Locally Defined.</strong> These accounts are used at the option of LEAs to track current liabilities, such as payroll withholdings and deductions. |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>When data are reported to CDE, these objects must be rolled up by the LEA to Object 9500.</td>
</tr>
<tr>
<td>9590</td>
<td><strong>Due to Grantor Governments.</strong> This account is used to record amounts owed to state entities and federal agencies. The account represents cash received from state sources or under a federal financial assistance program that exceeds the amounts earned and which must be returned to the grantors. This account would also be used if the grantors are other governmental entities, including counties, cities, and other school districts.</td>
</tr>
<tr>
<td>9610</td>
<td><strong>Due to Other Funds.</strong> Amounts due to other funds within the LEA.</td>
</tr>
<tr>
<td>9620</td>
<td><strong>Due to Student Groups/Other Agencies.</strong> This account is used to record amounts owed to student groups or other agencies within agency funds. Amounts recorded as Due to Student Groups/Other Agencies equal the difference between amounts recorded as assets and any recorded liabilities of student groups/other agencies, such as accounts payable. The assets held should equal the net assets and liabilities of the agencies, and there is no ending fund balance. Do not use Object 9500, Accounts Payable, in a trust or agency fund. Other general receivables from students in the general fund should be coded to Object 9200, Accounts Receivable. There is no fund balance in an agency fund. Assets held equal the liability to the other agency.</td>
</tr>
<tr>
<td>9640</td>
<td><strong>Current Loans.</strong> Short-term obligations representing amounts borrowed for short periods of time and usually evidenced by notes payable. Such loans may be unsecured or secured by specific revenues to be collected, such as tax-anticipation notes.</td>
</tr>
<tr>
<td>9650</td>
<td><strong>Deferred Revenue.</strong> Revenue that has been received but is unearned as of June 30.</td>
</tr>
<tr>
<td>9660–9669</td>
<td><strong>Long-Term Liabilities.</strong> An account set up to reflect long-term liabilities in the proprietary or trust funds (not used in governmental funds).</td>
</tr>
<tr>
<td>9661</td>
<td><strong>General Obligation Bonds Payable.</strong> The liability account reflecting the outstanding balance of general obligation bonds.</td>
</tr>
<tr>
<td>9662</td>
<td><strong>State School Building Loans Payable.</strong> A liability account reflecting the outstanding principal balance of State School Building Loans. State School Building Loans were granted in the past to facilitate school construction. These</td>
</tr>
</tbody>
</table>
# Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>loans are no longer being offered under this program; however, some LEAs still have outstanding balances that are being repaid.</td>
</tr>
<tr>
<td>9664</td>
<td><strong>Net OPEB Obligation.</strong> The cumulative difference, following the effective date of GASB Statement 45, between an LEA’s annual postemployment benefits other than pensions (OPEB) cost (in relation to its Annual Required Contribution) and the LEA’s actual contributions to its OPEB plan, including any net OPEB obligation (or asset) at transition. The Net OPEB Obligation is reported only in the LEA’s accrual-basis financial statements.</td>
</tr>
<tr>
<td>9665</td>
<td><strong>Compensated Absences Payable.</strong> A liability account reflecting accumulated unpaid benefits that are provided to employees. These benefits include vacation and sick leave and sabbatical leaves that are paid to employees upon termination or retirement. However, this liability account does not include sick-leave balances for which employees receive only additional service time for pension benefit purposes.</td>
</tr>
<tr>
<td>9666</td>
<td><strong>Certificates of Participation (COPs) Payable.</strong> The liability account reflecting the outstanding principal balance of COPs.</td>
</tr>
<tr>
<td>9667</td>
<td><strong>Capital Leases Payable.</strong> A liability account reflecting the noncurrent portion of the discounted present value of total future stipulated payments on lease agreements that are capitalized.</td>
</tr>
<tr>
<td>9668</td>
<td><strong>Lease Revenue Bonds Payable.</strong> A liability account reflecting the outstanding balance of lease revenue bonds.</td>
</tr>
<tr>
<td>9669</td>
<td><strong>Other General Long-Term Debt.</strong> A liability account reflecting other long-term liabilities such as the noncurrent portions of liabilities for termination benefits paid over time, unfunded pension obligations, and other similar items.</td>
</tr>
<tr>
<td>9700–9799</td>
<td><strong>Fund Balance/Net Assets.</strong> Fund balance represents the difference between the assets and liabilities of a governmental fund. Net assets represents the difference between the assets and liabilities of a proprietary or fiduciary fund. In the following definitions, references to fund balance also apply to net assets.</td>
</tr>
<tr>
<td>(The following codes and definitions for 9700 – 9790 were valid through 2010-11)</td>
<td></td>
</tr>
<tr>
<td>9700–9759</td>
<td><strong>Fund Balance, Reserved</strong></td>
</tr>
</tbody>
</table>
## Procedure 330 Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9710–9720</td>
<td><strong>Reserve for Nonexpendable Assets.</strong> An account set up to reflect the value of nonexpendable asset accounts. At the beginning of the fiscal year, this account is credited with the same amounts that are set up as debits to the previously described asset accounts.</td>
</tr>
<tr>
<td>9711</td>
<td><strong>Reserve for Revolving Cash.</strong> The portion of fund balance reflecting the value of the revolving cash account.</td>
</tr>
<tr>
<td>9712</td>
<td><strong>Reserve for Stores.</strong> The portion of fund balance reflecting the value of stores.</td>
</tr>
<tr>
<td>9713</td>
<td><strong>Reserve for Prepaid Expenditures (Expenses).</strong> The portion of fund balance reflecting the value of prepaid expenditures/expenses.</td>
</tr>
<tr>
<td>9719</td>
<td><strong>Reserve for All Others.</strong> The portion of fund balance reflecting the value not specified above. For example, this object is used for the legal reserve required for Certificates of Participation.</td>
</tr>
<tr>
<td>9720</td>
<td><strong>Reserve for Encumbrances (Budgetary account).</strong> (This account is not reported to CDE.) An amount set aside to provide for encumbrances. Generally, encumbrances are closed at the end of the fiscal year, and new purchase orders or contracts are opened for the subsequent year. However, an LEA may disclose outstanding purchase orders or contracts that will be included in the budget either as a footnote to the financial statements or in the Reserve for Encumbrances.</td>
</tr>
<tr>
<td>9730</td>
<td><strong>General Reserve.</strong> The amount set aside by the governing board to meet cash requirements in the succeeding fiscal year until adequate proceeds from the taxes levied or from the apportionment of state funds are available (Education Code Section 42124).</td>
</tr>
<tr>
<td>9740</td>
<td><strong>Legally Restricted Balance.</strong> Segregation of a portion of a fund balance for legally restricted funds, such as unspent instructional material funds or unspent proceeds from Certificates of Participation.</td>
</tr>
<tr>
<td>9760–9799</td>
<td><strong>Fund Balance, Unreserved</strong></td>
</tr>
<tr>
<td>9770</td>
<td><strong>Designated for Economic Uncertainties.</strong> The portion of the fund balance that has been designated (set aside) by the governing board to provide for emergencies or economic events, such as revenue shortfalls, that could not be anticipated.</td>
</tr>
</tbody>
</table>
Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9775</td>
<td><strong>Designated for the Unrealized Gains of Investments and Cash in County Treasury.</strong> The portion of the fund balance attributable to an increase in the fair value of investments or cash in the county treasury, an unrealized gain that is not available for spending.</td>
</tr>
<tr>
<td>9780</td>
<td><strong>Other Designations.</strong> The portion of the fund balance that has been set aside by the governing board for specific purposes.</td>
</tr>
<tr>
<td>9790</td>
<td><strong>Undesignated/Unappropriated.</strong> This account represents the excess of the fund's assets over its liabilities and may include a budgetary element: the excess of estimated revenue (and estimated other financing sources) over appropriations (and estimated other financing uses).</td>
</tr>
</tbody>
</table>

(The following codes and definitions for 9700 – 9790 are valid effective 2011-12)

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9710–9719</td>
<td><strong>Fund Balance, Nonspendable.</strong> The portion of fund balance reflecting assets not in spendable form, either because they will never convert to cash (such as prepaid items) or must remain intact pursuant to legal or contractual requirements (such as the principal of a permanent endowment). At the beginning of the fiscal year, these accounts are credited with the same amounts that are set up as debits to the previously described asset accounts.</td>
</tr>
<tr>
<td>9711</td>
<td><strong>Nonspendable Revolving Cash.</strong> The portion of fund balance reflecting the value of the revolving cash account.</td>
</tr>
<tr>
<td>9712</td>
<td><strong>Nonspendable Stores.</strong> The portion of fund balance reflecting the value of stores.</td>
</tr>
<tr>
<td>9713</td>
<td><strong>Nonspendable Prepaid Items.</strong> The portion of fund balance reflecting the value of prepaid items.</td>
</tr>
<tr>
<td>9719</td>
<td><strong>All Other Nonspendable Assets.</strong> The portion of fund balance reflecting the value of nonspendable assets not specified above. For example, this object is used for the legal reserve required for Certificates of Participation, the long-term portion of notes receivable, or the principal of a permanent endowment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9720</td>
<td><strong>Reserve for Encumbrances (Budgetary account).</strong> (This account is not reported to CDE.) An amount set aside to provide for encumbrances. Generally, encumbrances are closed at the end of the fiscal year, and new purchase orders or contracts are opened for the subsequent year. However, an LEA should disclose in a footnote to the financial statements significant encumbrances that are included in the subsequent year’s budget.</td>
</tr>
</tbody>
</table>
### Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9730–9749</td>
<td><strong>Fund Balance, Restricted</strong></td>
</tr>
<tr>
<td>9740</td>
<td><strong>Restricted Balance.</strong> The portion of fund balance representing resources subject to externally imposed and legally enforceable constraints imposed either by external resource providers, e.g., grantors or creditors, or by law through constitutional provisions or enabling legislation. Examples include unspent balances of restricted state and federal grants, and unspent proceeds of general obligation bonds. All positive balances of SACS restricted resources 2000 through 9999 are reported using Object 9740.</td>
</tr>
<tr>
<td>9750–9769</td>
<td><strong>Fund Balance, Committed.</strong> The portion of fund balance representing resources whose use is constrained by limitations self-imposed by the LEA through formal action of its highest level of decision-making authority. The constraints can be modified or removed only through the same process by which they were imposed. The action imposing the constraint must be made by the end of the reporting period. The actual amounts may be determined at a later date, prior to the issuance of the financial statements.</td>
</tr>
<tr>
<td>9750</td>
<td><strong>Stabilization Arrangements.</strong> The portion of fund balance set aside pursuant to a stabilization arrangement more formal than the reserve for economic uncertainties recommended by the Criteria and Standards for Fiscal Solvency or other minimum fund balance policy. The level of constraint must meet the criteria to be reported as committed, and the circumstances in which the resources are used must be specific and nonroutine. The formal action imposing the constraint should identify and describe in sufficient detail the circumstances in which the amounts may be used. Minimum fund balance policies and other stabilization arrangements that do not meet the criteria to be reported as committed are reported as unassigned. Also see Object 9789, Reserve for Economic Uncertainties.</td>
</tr>
<tr>
<td>9760</td>
<td><strong>Other Commitments.</strong> The portion of fund balance representing commitments other than stabilization arrangements.</td>
</tr>
<tr>
<td>9770–9788</td>
<td><strong>Fund Balance, Assigned.</strong> The portion of fund balance representing resources that are intended to be used for specific purposes but for which the constraints do not meet the criteria to be reported as restricted or committed. Intent may be established either by the LEA’s highest level of decision-making authority or by a designated body or official. Constraints giving rise to assigned fund balance may be imposed at any time before the financial statements are issued, and may be modified or removed by a process less formal than is required for committed fund</td>
</tr>
</tbody>
</table>
### Procedure 330 Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>balance. In governmental fund types other than the general fund, this is the residual fund balance classification.</td>
</tr>
<tr>
<td>9780</td>
<td><strong>Other Assignments.</strong> The portion of fund balance representing assignments.</td>
</tr>
<tr>
<td>9789–9790</td>
<td><strong>Fund Balance, Unassigned.</strong> The portion of fund balance not classified as nonspendable, restricted, committed, or assigned.</td>
</tr>
<tr>
<td>9789</td>
<td><strong>Reserve for Economic Uncertainties.</strong> The portion of unassigned fund balance set aside pursuant to a minimum fund balance policy. This amount includes the reserve recommended by the Criteria and Standards for fiscal solvency, as well as additional reserve amounts established pursuant to local policy. Object 9789 is available in Fund 01 and Fund 17.</td>
</tr>
<tr>
<td>9790</td>
<td><strong>Unassigned/Unappropriated.</strong> In the general fund, residual fund balance in excess of amounts reported in the nonspendable, restricted, committed, or assigned fund balance classifications and net of Object 9789, Reserve for Economic Uncertainties. In all governmental funds including the general fund, the excess of nonspendable, restricted, and committed fund balance over total fund balance (deficits). Assigned amounts must be reduced or eliminated if a deficit exists.</td>
</tr>
<tr>
<td>9791</td>
<td><strong>Beginning Fund Balance.</strong> This account represents the difference between the assets and liabilities of a fund at the beginning of the fiscal year. Audit adjustments and other restatements that correct the beginning fund balance are recorded using objects 9793 and 9795, as appropriate.</td>
</tr>
<tr>
<td>9793</td>
<td><strong>Audit Adjustments.</strong> This account is used to record audit adjustments that correct the beginning fund balance.</td>
</tr>
<tr>
<td>9795</td>
<td><strong>Other Restatements.</strong> This account is used to record material corrections of prior-year errors that restate the beginning fund balance.</td>
</tr>
<tr>
<td>9796</td>
<td><strong>Capital Assets, Net of Related Debt.</strong> The portion of net assets that represents capital assets, net of accumulated depreciation and less outstanding debt directly related to the capital assets. This account is used only in funds 61 through 73.</td>
</tr>
<tr>
<td>9797</td>
<td><strong>Restricted Net Assets.</strong> The portion of net assets representing resources subject to externally imposed and legally enforceable constraints imposed either by external resource providers, e.g., grantors or creditors, or by law through constitutional</td>
</tr>
</tbody>
</table>
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>provisions or enabling legislation. Also includes permanent fund principal. This account is used only in funds 61 through 73.</td>
</tr>
</tbody>
</table>

### 9800–9839  Budgetary Accounts

These budgetary accounts are used by LEAs to record the budget. These accounts are not reported to CDE.

- **9810  Estimated Revenue.** The budgetary account that shows all revenue estimated to be received or accrued during the fiscal year. This account is a control account in a fund's general ledger, and it must agree with the subsidiary ledger.

- **9815  Estimated Other Financing Sources.** The budgetary account that shows all the other financial resources that are estimated to be received or accrued during the fiscal year. This account is optional; LEAs may use Object 9810 to record both budgeted revenue and other sources.

- **9820  Appropriations.** Authorization granted by the governing board to make expenditures and to incur obligations for specific purposes and amounts within the fiscal year. This account is a control account in the general ledger, and it must agree with the subsidiary ledger.

- **9825  Estimated Other Financing Uses.** The budgetary account that shows all of the other financial obligations that will be paid or will accrue during the fiscal year. This account is optional; LEAs may use Object 9820 to record both appropriations and estimated other uses.

- **9830  Encumbrances.** Obligations in the form of purchase orders, contracts, salaries, or other commitments that are chargeable to an appropriation and for which part of the appropriation is reserved. Encumbrances are canceled when the obligation is paid or when the actual liability is set up. This control account represents the total amount of the appropriations that has been designated for expenditures for specified purposes. Details of encumbrances by classification or account are recorded in the same subsidiary appropriations ledger in which expenditures are recorded.

### 9840–9899  Control Accounts

These accounts are not reported to CDE.

- **9840  Revenue.** The control account for all revenue that is received or accrued during the fiscal year.
## Procedure 330  Object Classification

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>9845</td>
<td><strong>Other Financing Sources.</strong> The control account for other financing sources. This account is optional; LEAs may use Object 9840 as the control account for revenue and other financing sources.</td>
</tr>
<tr>
<td>9850</td>
<td><strong>Expenditures.</strong> The control account for all expenditures that are paid or accrued during the fiscal year.</td>
</tr>
<tr>
<td>9855</td>
<td><strong>Other Financing Uses.</strong> The control account for other financing uses. This account is optional; LEAs may use Object 9850 as the control account for expenditures and other financing uses.</td>
</tr>
<tr>
<td>9900–9979</td>
<td><strong>Nonoperating Accounts.</strong> (These accounts are not reported to CDE.)</td>
</tr>
<tr>
<td>9910</td>
<td><strong>Suspense Clearing.</strong> An account that carries charges or credits temporarily pending determination of the proper account or accounts to which they are to be posted and that may be used for posting of amounts not yet analyzed to decide whether they should be revenue, expenditure, or abatement. Charges that must be allocated or prorated may be posted in this account until such allocation or proration can be calculated. This account must balance to zero at the close of the fiscal year and should be reviewed</td>
</tr>
</tbody>
</table>
Procedure 340  Valid Account Code Combinations

All of the fields used in the standardized account code structure (SACS) must work together to form valid account code strings. Although there are hundreds of individual account codes, many are valid only in combination with certain other codes.

Tables of valid combinations are maintained and updated periodically for validating the appropriateness of the account combinations used in the data LEAs submit to CDE through the use of CDE's data collection (SACS) software. The tables are also available in an easy-to-reference spreadsheet format. The spreadsheet format provides a useful tool for users to research coding combinations prior to using them in their financial systems. The spreadsheets, available in both Microsoft Excel and PDF format, can be downloaded from CDE's Web site:

http://www.cde.ca.gov/fg/ac/ac/sprvalidcombs.asp

The following tables are abbreviated examples of the seven tables of valid combinations and discussion of the coding principles associated with each. An "x" in a cell indicates the combination is valid; however, it does not indicate that the combination is valid for every LEA type (districts, COEs, and JPAs). LEAs should refer to the complete versions of the tables to determine the LEA types for which a certain combination is valid.

Function by Object Combinations

All expenditure objects (1000–7999) are validated in combination with all functions.

<table>
<thead>
<tr>
<th>Object Codes</th>
<th>Function 1000</th>
<th>Function 2100</th>
<th>Function 3110</th>
<th>Function 4000</th>
<th>Function 5000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100 Certificated Teachers' Salaries</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>1200 Certificated Pupil Support Salaries</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>1300 Certificated Supervisor and Administrator Salaries</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2100 Classified Instructional Salaries</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2200 Classified Support Salaries</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Procedure 340  Valid Account Code Combinations

2400 Clerical, Technical, and Office Staff Salaries  X  X  X  X

All expenditures must be coded to a function. Revenue and balance sheet accounts do not require a function and are not included in this table.

Certain expenditures are not appropriate in certain functions. For example, teachers perform instructional activities. Their salaries are appropriately coded to Function 1000, Instruction, but not to Function 3110, Guidance and Counseling Services, which is a pupil support activity.

Fund by Function Combinations

All functions are validated in combination with all funds.

<table>
<thead>
<tr>
<th>Function Codes</th>
<th>Fund 01 General/County School Service Fund</th>
<th>Fund 13 Cafeteria Fund</th>
<th>Fund 21 Building Fund</th>
<th>Fund 51 Bond Interest and Redemption Fund</th>
<th>Fund 63 Other Enterprise Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 Instruction</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3700 Food Services</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6000 Enterprise</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8500 Facilities Acquisition and Construction</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>9100 Debt Service</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9300 Interfund Transfers</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Certain functions (activities) are not appropriate in certain funds. For example, Function 1000, Instruction, is not valid in combination with Fund 13, Cafeteria Fund, or Fund 21, Building Fund, because the activities accounted for in these funds are not instructional.

Fund by Goal Combinations

All goals are validated in combination with all funds.

<table>
<thead>
<tr>
<th>Goal</th>
<th>Fund 01 General/County School Service Fund</th>
<th>Fund 13 Cafeteria Fund</th>
<th>Fund 21 Building Fund</th>
<th>Fund 51 Bond Interest and Redemption Fund</th>
<th>Fund 63 Other Enterprise Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000 Undistributed</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>1110 Regular Education, K-12</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Procedure 340  Valid Account Code Combinations**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>4110</td>
<td>Regular Education, Adult</td>
<td></td>
</tr>
<tr>
<td>5001</td>
<td>Special Education—Unspecified</td>
<td>X</td>
</tr>
<tr>
<td>7110</td>
<td>Nonagency—Educational</td>
<td>X</td>
</tr>
<tr>
<td>8100</td>
<td>Community Services</td>
<td>X</td>
</tr>
</tbody>
</table>

Certain goals are not appropriate in certain funds. For example, Goal 1110, Regular Education, K–12, is not valid in Fund 21, Building Fund, or Fund 51, Bond Interest and Redemption Fund, because specific populations of students, such as K–12 students, are not served by the activities of these funds. Rather, the activities of these funds are for the benefit of all student populations and should be coded to Goal 0000, Undistributed.

**Fund by Object Combinations**

All objects are validated in combination with all funds.

<table>
<thead>
<tr>
<th>Object</th>
<th>Fund 01 General/County School Service Fund</th>
<th>Fund 13 Cafeteria Fund</th>
<th>Fund 21 Building Fund</th>
<th>Fund 51 Bond Interest and Redemption Fund</th>
<th>Fund 63 Other Enterprise Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100 Certificated Teachers' Salaries</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1200 Certificated Pupil Support Salaries</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1300 Certificated Supervisor and Administrator Salaries</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2100 Classified Instructional Salaries</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2200 Classified Support Salaries</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2400 Clerical, Technical, and Office Staff Salaries</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Certain types of revenues, expenditures, assets, and liabilities are not appropriate in certain funds. For example, Object 1100, Certificated Teachers' Salaries, is not valid in Fund 13, Cafeteria Fund, or Fund 21, Building Fund. Teachers provide instructional services, and the activities accounted for in funds 13 and 21 are not instructional.
Procedure 340  Valid Account Code Combinations

Fund by Resource Combinations

All resources are validated in combination with all funds.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Fund 01 General/County School Service Fund</th>
<th>Fund 13 Cafeteria Fund</th>
<th>Fund 21 Building Fund</th>
<th>Fund 51 Bond Interest and Redemption Fund</th>
<th>Fund 63 Other Enterprise Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000 Unrestricted</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>1100 State Lottery</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3010 NCLB: Title I, Part A, Basic Grants Low-Income and Neglected</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5310 Child Nutrition: School Programs</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6690 Tobacco-Use Prevention Education: Grades Six through Twelve</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9010 Other Local</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

8200 Most resources represent restricted sources of revenue that must be spent on specific activities, and most funds exist for the accounting for specific activities. Not all resources will be appropriate with all funds. For example, Resource 5310, Child Nutrition: School Programs, is valid in Fund 13, Cafeteria Fund, because the cafeteria fund exists for the accounting of child nutrition programs, such as provided by Resource 5310. However, Resource 5310 is not valid in Fund 21, Building Fund, because the building fund exists for the accounting of capital projects, not child nutrition programs.
Procedure 340  Valid Account Code Combinations

Goal by Function Combinations

Functions in the 1000, 4000, 5000, and 7000 series (except 7210) are validated in combination with all goals.

<table>
<thead>
<tr>
<th>Function</th>
<th>Goal 0000</th>
<th>Goal 1110</th>
<th>Goal 5750</th>
<th>Goal 7110</th>
<th>Goal 8100</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Undistributed</td>
<td>Regular Education, K–12</td>
<td>Special Ed., Age 5-22 Severely Disabled</td>
<td>Nonagency—Educational</td>
<td>Community Services</td>
</tr>
<tr>
<td>1000 Instruction</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1110 Special Education: Separate Classes</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4000 Ancillary Services</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5000 Community Services</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>7200 Other General Administration</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Instructional (1xxx), ancillary services (4xxx) and community services (5xxx) functions must be coded to a specific goal. They may not be coded to Goal 0000, Undistributed, or Goal 5001, Special Education—Unspecified.

General administration functions (7xxx), except Function 7210, General Administration Cost Transfers, should generally only be coded to Goals 0000, Undistributed; 7110, Nonagency—Educational; 7150, Nonagency—Other; and 8600, County Services to Districts.

Noninstructional functions, such as the pupil support function range of 3000–3999, do not require a specific goal. They may be coded to Goal 0000, Undistributed. Therefore, combinations of noninstructional functions with specific goals are not addressed in this table, although most of these combinations are valid.
Procedure 340  Valid Account Code Combinations

Resource by Object Combinations

All resources are validated in combination with all revenue and balance sheet objects.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Object 8290</th>
<th>Object 8590</th>
<th>Object 9110</th>
<th>Object 9650</th>
<th>Object 9790</th>
</tr>
</thead>
<tbody>
<tr>
<td>0000 Unrestricted</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3010 NCLB: Title I, Part A, Basic Grants Low-Income</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3010 NCLB: Title I, Part A, Basic Grants Low-Income</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3010 NCLB: Title I, Part A, Basic Grants Low-Income</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5600 Workforce Investment Act (WIA)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>6690 Tobacco-Use Prevention</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>7090 Economic Impact Aid</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>9010 Other Local</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Restricted resources are generally funded by either state or federal revenues. Carryovers of restricted resources are subject to either restricted ending balance or deferred revenue. Combinations are validated to ensure that LEAs are using the correct revenue designation(s) and are accounting for carryover correctly.

The following are examples of valid and invalid combinations:

- Resource 3010, Title I, Part A, Basic Grants Low-Income and Neglected, is federal revenue and, therefore, Object 8290, All Other Federal Revenue, is open to this resource. But state objects, such as Object 8590, All Other State Revenue, are not open to this federal resource.
- A carryover balance in this same Resource 3010 is subject to deferred revenue and, therefore, Object 9650, Deferred Revenue, is open to this resource. But Object 9790, Unassigned/Unappropriated, which is a fund balance object rather than a deferred revenue object, is not.
Procedure 420 Prepaid Expenditures

LEAs often disburse cash for services or materials, a portion or all of which actually applies to a future fiscal period. The most common disbursement of this type is for insurance; the full premium is paid immediately, but the coverage extends into future years. In governmental accounting, expenditures for insurance and similar services extending over more than one accounting period may be accounted for as expenditures of the period of acquisition or allocated to subsequent accounting periods.

Assume, for example, that an LEA purchases a five-year insurance policy on July 1, 2008, for $5,000. If the LEA treats the cost of this insurance policy as an expenditure of the period of acquisition, the following entry will be made:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-08</td>
<td>Insurance</td>
<td>5400</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>9110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record the payment for a five-year insurance policy.

If the LEA treats the cost of this insurance policy as a prepaid expenditure and allocates a portion of the cost to subsequent years, the following entry will be made in the year of acquisition:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-08</td>
<td>Insurance</td>
<td>5400</td>
<td>$1,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>Prepaid Expenditures</td>
<td>9330</td>
<td>4,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>9110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record the payment for a five-year insurance policy, one year of which applies to the current year.

At the end of the year, when the books are closed, the Prepaid Expenditures asset account is included with other ending balances and becomes a part of the beginning balance for the next year.

After the books are opened for the next year, it is necessary to determine whether all or a portion of Prepaid Expenditures applies to the current year. This amount must be charged to the appropriate expenditure account of the new year, leaving as a remainder in the asset account any amounts not yet applicable. These, in turn, must be carried over as Prepaid.
Procedure 420 Prepaid Expenditures

Expenditures to the next year. A good way to determine the amount to charge to a year other than the year in which the original cash disbursement was made is to prepare a schedule of amounts and periods applicable at the time when the original cash disbursement is made, as shown in the following example:

<table>
<thead>
<tr>
<th>Policy number</th>
<th>Carrier</th>
<th>Overall total</th>
<th>Analysis of total applying to each succeeding year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$4,000.00</td>
<td>First year</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

This schedule is retained for reference at the time of a future year's charge-off to ensure that the correct amounts are charged to each succeeding year in which a benefit is received. The schedule would be updated at the beginning of each year by reducing the control total by the amount of the first year succeeding, which is charged to expenditure, and by moving each figure in the next several columns one column to the left.

Charging off the portion applicable to a new year at the beginning of that year requires that a journal entry be made, with the debit charged to the appropriate expenditure account and the credit applied to Prepaid Expenditures. This entry should be one of the first entries made.

Another common example of prepaid expenditures is the payment of a fee for a teacher to attend a class that will be held during the next fiscal year. If the fee is paid in May of one year to reserve a place at a conference that will be held in the subsequent year, the charge is made to a prepaid account in the first year, to be expensed in the following year when the teacher attends the conference.

This procedure will create a timing problem if the prepayment is recorded in a categorical program subject to deferred revenues. A prepaid expenditure requires a reserve to the fund balance. Because there is not a fund balance for this type of categorical program, the reserve would generate a negative unassigned fund balance. The prepayment should therefore be recorded in an unrestricted resource and later expended against the categorical program at the time the conference is attended.

A prepaid reservation fee for a summer class to be held August 30, 2008, would appear as follows:
**Procedure 420  Prepaid Expenditures**

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-01-08</td>
<td>Prepaid Expenditures</td>
<td>01-0000-0-0000-0000-9330</td>
<td>$450.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td></td>
<td>$450.00</td>
</tr>
</tbody>
</table>

To record payment of August registration for college training session.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-30-08</td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td>$450.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Prepaid Expenditures</td>
<td>01-0000-0-0000-0000-9330</td>
<td></td>
<td>$450.00</td>
</tr>
<tr>
<td></td>
<td>Travel and Conference</td>
<td>01-3170-0-1110-1000-5200</td>
<td>$450.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>01-3170-0-0000-0000-9110</td>
<td></td>
<td>$450.00</td>
</tr>
</tbody>
</table>

To charge the prepaid conference expenditure to the NCLB Comprehensive School Reform program.
Procedure 420    Prepaid Expenditures

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Procedure 425  Fair Value: Accounting and Reporting for Certain Investments


GASB Statement 31 requires school districts and county offices to report their investments at fair value on the balance sheet. This requirement is similar to the one for businesses under Financial Accounting Standards Board (FASB) Statement 115, *Accounting for Certain Investments in Debt and Equity Securities*, and to the one for not-for-profit organizations under FASB Statement 124, *Accounting for Certain Investments Held by Not-for-Profit Organizations*.

LEA investments affected by this statement are:

- Participating interest-earning investment contracts
- External investment pools, including cash with county treasurer
- Open-end mutual funds
- Debt securities
- Equity securities, option contracts, stock warrants, and stock rights

The provisions in GASB Statement 31 apply only to investments that are held primarily for the purpose of income or profit. Most school districts and county offices deposit their receipts and collections of moneys with their county treasurer because they are required to by *Education Code* Section 41001, not "primarily for the purpose of income or profit." The LEA's cash is nonetheless in external investment pools, however, because most of the county treasurers in California sponsor external investment pools. An external investment pool commingles (pools) the moneys of more than one entity and invests, on the participants' behalf, in an investment portfolio. Because GASB Statement 31 applies to external investment pools, LEAs should report their cash in the county treasury at fair value on the balance sheet.

GASB Statement 31 provides certain exceptions to the general rule requiring that investments be reported at fair value. These exceptions include:
Procedure 425  Fair Value: Accounting and Reporting for Certain Investments

- Investments with a remaining maturity of one year or less at the time of purchase
- Nonparticipating investment contracts, such as nonnegotiable certificates of deposit
- Investments in 2.a.7-like pools, which are external investment pools that adopt policies similar to those of private companies that operate under the Securities and Exchange Commission's Rule 2.a.7 of the Investment Company Act of 1940. They invest only in short-term securities and are required to sell securities whose market values deviate more than a set percentage from amortized costs.

Determining Fair Value

Fair value is the amount at which a financial instrument could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale. Fair value is determined from the published market price in newspapers or trade journals and quotes from recognized stock exchanges or over-the-counter markets. For investments without a quoted market price, the fair value may be determined by using the market price of similar instruments, discounted cash flow, or any other valuation technique that provides the best estimates. The fair value of investments in external pools (i.e., cash in the county treasury) is based on the fair value of the pools' underlying portfolio. LEAs should obtain this information from the county treasurer.

Recognition and Reporting of Investment Income

All investment income, including changes in the fair value of investments, should be recognized as revenue on the operating statement. The change in fair value of investments should be captioned "net increase (decrease) in the fair value of investments." Realized gains and losses should not be reported separately from unrealized gains and losses except in the notes to the financial statements.

There are two revenue object accounts for reporting investment income:

Object 8660, Interest
Object 8662, Net Increase (Decrease) in the Fair Value of Investments
Procedure 425 Fair Value: Accounting and Reporting for Certain Investments

All investment income other than changes in the fair value of investments should be reported in Object 8660. The change in the fair value of investments, which includes realized and unrealized gains and losses, should be reported in Object 8662.

The change in the fair value of investments is defined as the ending fair value, plus proceeds from investments maturing or sold during the year, less investment purchases made during the year, less the beginning fair value. The following examples illustrate how to calculate the changes in the fair value for cash in the county treasury and the accompanying accounting entries. The examples cover two fiscal years.

Note that Object 9110, although titled Cash in County Treasury, really represents the book value of the LEA's share of an external investment fund. However, for most purposes, Object 9110 is administered as a cash account. To avoid making non-cash adjusting entries to this "cash" account, entries for unrealized gains or losses on the value of cash with the county treasurer are made to Object 9111, Fair Value Adjustment to Cash in County Treasury.

Fiscal Year 2007-08

Assume that on July 1, 2007, the school district had $100,000 cash in the county treasury with a fair value of $105,000. During the fiscal year the district had deposits of $900,000 and disbursements of $925,000. On June 30, 2008, the district has $75,000 cash in the county treasury with a fair value of $78,000.

The change in fair value is calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair Value, ending 6-30-08</td>
<td>$78,000</td>
</tr>
<tr>
<td>Add: Disbursements (comparable to proceeds of investments sold)</td>
<td>925,000</td>
</tr>
<tr>
<td>Less: Receipts (comparable to costs of investments purchased)</td>
<td>(900,000)</td>
</tr>
<tr>
<td>Less: Fair Value, beginning 7-1-07</td>
<td>(105,000)</td>
</tr>
<tr>
<td>Net increase (decrease) in fair value for fiscal year 2007-08</td>
<td>$ (2,000)</td>
</tr>
</tbody>
</table>

Although the fair value of the cash in the county treasury at the end of the fiscal year is $3,000 higher than the actual cash balance ($78,000 minus $75,000), the change in fair value during the year is a decrease of $2,000. The reason is that the fair value of the cash in the county treasury at the beginning of the fiscal year was $5,000 higher than the actual cash balance.
($105,000 minus $100,000), and the $5,000 difference would already have
been recognized by the end of the prior year.

The entry is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-30-08</td>
<td>Net Increase (Decrease) in the Fair Value of Investments</td>
<td>8662</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fair Value Adjustment to Cash in County Treasury</td>
<td>9111</td>
<td></td>
<td>$2,000</td>
</tr>
</tbody>
</table>

To report the ending cash balance at fair value and the current year
decrease in the fair value of investments.

**Fiscal Year 2008-09**

Assume that during fiscal year 2008-09, the district had deposits of
$1,000,000 and disbursements of $985,000. At June 30, 2009, the district
has $90,000 cash in the county treasury with a fair value of $94,000.

The change in fair value is calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair Value, ending 6-30-09</td>
<td>$94,000</td>
</tr>
<tr>
<td>Add: Disbursements (comparable to proceeds of investments sold)</td>
<td>985,000</td>
</tr>
<tr>
<td>Less: Receipts (comparable to costs of investments purchased)</td>
<td>(1,000,000)</td>
</tr>
<tr>
<td>Less: Fair Value, beginning 7-1-08</td>
<td>(78,000)</td>
</tr>
<tr>
<td>Net increase (decrease) in fair value for fiscal year 2008-09</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

Although the fair value of the cash in the county treasury at the end of
the fiscal year is $4,000 higher than the actual cash balance ($94,000 minus
$90,000), the change in fair value during the year is an increase of $1,000.
The other $3,000 difference between the fair value of cash and the actual
cash balance was already recognized at the end of the prior fiscal year.

The entry is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-30-09</td>
<td>Fair Value Adjustment to Cash in County Treasury</td>
<td>9111</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Net Increase (Decrease) in the Fair Value of Investments</td>
<td>8662</td>
<td></td>
<td>$1,000</td>
</tr>
</tbody>
</table>

To report the ending cash balance at fair value and the
current year increase in the fair value of investments.
Procedure 425  Fair Value: Accounting and Reporting for Certain Investments

To achieve an understanding of the cumulate effect of the preceding entries and those following, it is helpful to consider the entries from the perspective of the account for Object 9111, a permanent account.

Following is a recap of the changes in Object 9111:

Object Account 9111, Fair Value Adjustment to Cash in County Treasury

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/30/07</td>
<td>Ending Balance:</td>
<td></td>
<td>$5,000</td>
<td>($105,000 Fair Value vs. $100,000 &quot;Cash&quot; in County Treasury)</td>
</tr>
<tr>
<td>2007-08 Change in Fair Value:</td>
<td>($2,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/30/08</td>
<td>Ending Balance:</td>
<td></td>
<td>$3,000</td>
<td>($78,000 Fair Value vs. $75,000 &quot;Cash&quot; in County Treasury)</td>
</tr>
<tr>
<td>2008-09 Change in Fair Value:</td>
<td>$1,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/30/09</td>
<td>Ending Balance:</td>
<td></td>
<td>$4,000</td>
<td>($94,000 Fair Value vs. $90,000 &quot;Cash&quot; in County Treasury)</td>
</tr>
</tbody>
</table>

Alternative Method for Adjusting Fair Value

As an alternative, LEAs may choose to reverse their prior year fair value adjustments for cash in the county treasury at the beginning of each fiscal year. If the LEA chooses to reverse the prior year adjustments, the entries for 2008-09 would be as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-1-08</td>
<td>Net Increase (Decrease) in the Fair Value of Investments</td>
<td>8662</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>Fair Value Adjustment to Cash in County Treasury</td>
<td>9111</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To reverse the 6-30-08 fair value adjustment to cash in county treasury.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>Object Code</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-30-09</td>
<td>Fair Value Adjustment to Cash in County Treasury</td>
<td>9111</td>
<td>$4,000</td>
<td>$4,000</td>
</tr>
<tr>
<td></td>
<td>Net Increase (Decrease) in the Fair Value of Investments</td>
<td>8662</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To report the ending cash balance at fair value and the current year increase in the fair value of investments.

The effect on the account balances is the same by either method.

Fund Balance Classification for Unrealized Gains

The fair value changes for unrealized gains of investments are reported in the same fund balance classification as the underlying investment.
Materiality of Adjustments to Fair Value

Generally accepted accounting principles (GAAP) require that LEAs report their cash in the county treasury at fair value. However, like all other GASB statements, GASB Statement 31 states that it does not apply to nonmaterial items. For many LEAs, the difference between the fair value and the book value of their cash in the county treasury may not be material.

If an LEA chooses not to record the adjustment necessary to report its cash with the county treasurer at fair value, the LEA's independent auditor must determine whether the omission is material enough to the financial statements to require an adjustment and whether the LEA's departure from GAAP is significant enough to impact the auditor's opinion on the financial statements.
The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

The following are examples of the recording of transactions affecting balance sheet accounts in which the standardized account code structure (SACS) is used. Balance sheet accounts are classified in the object field. If the transactions are from restricted revenues, the balance sheet accounts are also coded in the resource field.

Example 1: Unrestricted Transactions Resulting in Change to Fund Balance

(a) Cash is deposited in the county treasury for the K–12 revenue limit and expended for various functions and objects. At year-end, closing of the books results in an increase in the unrestricted fund balance.

To record receipt of property taxes:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>8011</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted Resources.
- Project Year is not used in this example.
- Goal is generally not required for revenues (required for special education revenues) and is not required for balance sheet accounts.
- Function is not required for revenues or balance sheet accounts.
- Object 8011 is Revenue Limit State Aid—Current Year, and Object 9110 is Cash in County Treasury.
- School is not required.
Procedure 605  Balance Sheet Accounts—Coding Examples

(b) During the year many transactions occur (e.g., the payment of teachers' salaries).

To record the payment of salaries:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>1110</td>
<td>1000</td>
<td>1100</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>1110</td>
<td>1000</td>
<td>3101</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>1110</td>
<td>1000</td>
<td>3401</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 0000** is Unrestricted Resources.
- **Project Year** is not used in this example.
- **Goal 1110** is Regular Education, K–12.
- **Function 1000** is Instruction; a function is not required for balance sheet accounts.
- **Object 1100** is Certificated Teachers' Salaries; **Object 3101** is State Teachers' Retirement System, Certificated Positions; **Object 3401** is Health & Welfare Benefits, Certificated Positions; and **Object 9110** is Cash in County Treasury.
- **School** is not required.

(c) At year-end the books are closed and the ending fund balance has increased, changing the components of ending fund balance. The reserve for economic uncertainties is increased, reducing the unassigned fund balance.

To record fund balance designations at the end of the year:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9790</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9789</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 0000** is Unrestricted Resources.
- **Project Year** is not used in this example.
- **Goal** is not required for balance sheet accounts.
- **Function** is not required for balance sheet accounts.
**Procedure 605  Balance Sheet Accounts—Coding Examples**

- **Object 9789** is Reserve for Economic Uncertainties, and **Object 9790** is Unassigned/Unappropriated.
- **School** is not required.

**Example 2: Recording Components of Ending Fund Balance**

At year-end the district records the components of the ending fund balance when the books are closed (assuming that the excess of revenues over expenditures is automatically posted to **Object 9790, Unassigned/Unappropriated Fund Balance**):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9790</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9711</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9712</td>
<td>000</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7140</td>
<td>0</td>
<td>0000</td>
<td>9789</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>7140</td>
<td>0</td>
<td>0000</td>
<td>9790</td>
<td>000</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7156</td>
<td>0</td>
<td>0000</td>
<td>9790</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>7156</td>
<td>0</td>
<td>0000</td>
<td>9740</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 0000** is Unrestricted; **Resource 7140** is GATE; and **Resource 7156** is Instructional Materials Realignment, (AB 1781).
- **Project Year** is not used in this example.
- **Goal** is not required for balance sheet accounts.
- **Function** is not required for balance sheet accounts.
- **Object 9790** is Unassigned/Unappropriated; **Object 9711** is Nonspendable Revolving Cash; **Object 9712** is Nonspendable Stores; **Object 9740** is Restricted Balance; and **Object 9789** is Reserve for Economic Uncertainties.
- **School** is not required.

**Example 3: Identifying Cash by Resource**

LEAs using financial systems that do not post the resource code to the balance sheet accounts during the year will need to make an additional entry at year-end to balance the restricted and unrestricted resources.

For example, during the year-end closing, the LEA posted deferred revenue to three resources. In addition, the LEA posted restricted ending balance to two resources. The LEA must make the following year-end closing entry to separate out the cash represented by these amounts:
### Procedure 605 Balance Sheet Accounts—Coding Examples

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>3010</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>3326</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>5600</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7140</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7156</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 3010** is NCLB: Title I, Part A, Basic Grants Low Income and Neglected; **Resource 3326** is Special Ed: IDEA Preschool Capacity Building, Part B, Sec 619; **Resource 5600** is Workforce Investment Act; **Resource 7140** is Gifted and Talented Education (GATE); **Resource 7156** is Instructional Materials Realignment, IMFRP (AB 1781); and **Resource 0000** is Unrestricted Resources.
- **Project Year** is not used in this example.
- **Goal** is not required for balance sheet accounts.
- **Function** is not required for balance sheet accounts.
- **Object 9110** is Cash in County Treasury.
- **School** is not required.
Procedure 610  Revenues—Coding Examples

Revenues are classified by source and type in the object field. When the revenues are for restricted uses or have reporting requirements, they are further identified by the resource field. If the revenues are for federal projects that cross the LEA reporting fiscal year, they are also identified by the ending year of the project in the project year field.

For additional information regarding account codes, refer to the procedures in Section 300, "Chart of Accounts."

Example 1: Unrestricted Revenue

A district receives property taxes, the local portion of the revenue limit. The secured roll taxes will be coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>8041</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted.
- Project Year is not required in this example.
- Goal is generally not required for revenues or balance sheet transactions.
- Function is not required for revenues or balance sheet transactions.
- Object 8041 is Secured Roll Taxes, and Object 9110 is Cash in County Treasury.
- School is not required.

Example 2: Restricted Revenue

A district receives a federal grant for bilingual programs. The revenue would be coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>4230</td>
<td>3</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>4230</td>
<td>3</td>
<td>0000</td>
<td>8290</td>
<td>000</td>
</tr>
</tbody>
</table>
Procedure 610  Revenues—Coding Examples

- Fund 01 is the General Fund.
- Resource 4230 is Federal Bilingual Education Discretionary Grants.
- Project Year is 3 because this federal project ends in October 2003; project year may be used for balance sheet transactions.
- Goal is generally not required for revenues or balance sheet transactions.
- Function is not required for revenues or balance sheet transactions.
- Object 8290 is All Other Federal Revenue, and Object 9110 is Cash in County Treasury.
- School is not required.

Example 3: Transfer of Unrestricted Money to a Restricted Resource

If the district receives restricted revenue that requires a cash match by the district, the match would be recorded as a contribution from unrestricted resources. The following example shows the receipt of revenue and the recording of the cash match:

(a) To record district receipt of a federal grant that requires a match:

<table>
<thead>
<tr>
<th></th>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8290</td>
<td>000</td>
</tr>
</tbody>
</table>

(b) To record district match to restricted revenue from unrestricted revenues with corresponding transfer of cash:

<table>
<thead>
<tr>
<th></th>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8980</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8980</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted, and Resource 5810 is Other Federal.
- Project Year is not required in this example.
Procedure 610  Revenues—Coding Examples

- **Goal** is generally not required for revenues or balance sheet transactions.
- **Function** is not required for revenues or balance sheet transactions.
- **Object 8980** is Contributions from Unrestricted Revenues; **Object 8290** is All Other Federal Revenue; and **Object 9110** is Cash in County Treasury.
- **School** is not required.

The expenditures would be tracked by the resource. The following are the sample expenditures for this resource:

(c) To record the payment of salaries:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>1110</td>
<td>1000</td>
<td>1100</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>1110</td>
<td>2100</td>
<td>1300</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>1110</td>
<td>3110</td>
<td>1200</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>5810</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 5810** is Other Federal.
- **Project Year** is not required in this example.
- **Goal 1110** is Regular Education, K–12; goal is generally not required for balance sheet transactions.
- **Function 1000** is Instruction; **Function 2100** is Instructional Supervision and Administration; **Function 3110** is Guidance and Counseling Services; and function is not required for balance sheet accounts.
- **Object 1100** is Certificated Teachers' Salaries; **Object 1300** is Certificated Supervisors' and Administrators' Salaries; **Object 1200** is Certificated Pupil Support Salaries; and **Object 9110** is Cash in County Treasury.
- **School 456** is Sample High School. Coding to the school field is not required; however, LEAs may wish to code expenditures for local information.

**Example 4: Multiple Revenue Sources in a Single Resource or Project**

The home-to-school transportation activities are funded from different sources. These include state apportionments, user fees, and unrestricted
Procedure 610  Revenues—Coding Examples

revenues for any encroachment. The expenditures are not required to be identified to each source; they are identified by a single resource. The following are sample transportation transactions:

(a) To record state apportionments and transportation fees:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>8311</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>8675</td>
<td>000</td>
</tr>
</tbody>
</table>

(b) To record the contribution from unrestricted revenues to transportation to cover excess costs:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>8980</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>8980</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 7230** is Transportation: Home-to-School, and **Resource 0000** is Unrestricted.
- **Project Year** is not required in this example.
- **Goal** is generally not required for revenues and balance sheet accounts.
- **Function** is not required for revenues and balance sheet accounts.
- **Object 8311** is Other State Apportionments—Current Year; **Object 8675** is Transportation Fees from Individuals; **Object 8980** is Contributions from Unrestricted Revenues; and **Object 9110** is Cash in County Treasury.
- **School** is not required.

(c) To record transportation expenditures:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>7230</td>
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<td>0000</td>
<td>2200</td>
<td>000</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>4300</td>
<td>000</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>6500</td>
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</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>7230</td>
<td>0</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
Procedure 610  Revenues—Coding Examples

- Resource 7230 is Transportation: Home-to-School.
- Project Year is not required in this example.
- Goal 0000 is Undistributed; goal is not required for balance sheet transactions.
- Function 3600 is Pupil Transportation; function is not required for balance sheet accounts.
- Object 2200 is Classified Support Salaries; Object 4300 is Materials and Supplies; Object 6500 is Equipment Replacement; and Object 9110 is Cash in County Treasury.
- School is not required.

Example 5: Activities Paid from Two or More Revenue Sources with Separate Reporting Requirements

The special education programs are operated with money from different revenue sources. These include federal grants, state aid, unrestricted revenues, tuition, and transfers of apportionments from other LEAs. LEAs are required to identify and report expenditures of federal revenues separately from expenditures of state and local revenues; however, they are not required to report expenditures of state and local revenues separately from each other. The following are sample special education transactions:

(a) To record the payment of instructional aide wages funded by federal IDEA grant money:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>3310</td>
<td>3</td>
<td>5750</td>
<td>2100</td>
<td>456</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>3310</td>
<td>3</td>
<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 3310 is IDEA Basic Local Assistance Entitlement.
- Project Year is 3; the project year for this federal resource extends beyond the LEAs' fiscal year.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled; goal is not required for balance sheet transactions.
- Function 1110 is Special Education: Separate Classes; function is not required for balance sheet transactions.
- Object 2100 is Classified Instructional Salaries, and Object 9110 is Cash in County Treasury.
Proceure 610 Revenues—Coding Examples

- **School 456** is Sample High School. Coding to the school field is not required; however, LEAs may wish to code expenditures for local information.

(b) To record the amount receivable from the IDEA grant:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>3310</td>
<td>3</td>
<td>0000</td>
<td>9290</td>
<td>000</td>
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<tr>
<td>Cr</td>
<td>01</td>
<td>3310</td>
<td>3</td>
<td>5001</td>
<td>8181</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 3310 is IDEA Basic Local Assistance Entitlement.
- **Project Year** is 3; the project year for this federal resource extends beyond the LEA's fiscal year.
- **Goal** 5001 is Special Education—Unspecified. A goal is required for Special Education revenue. Goal is not required for balance sheet transactions.
- **Function** is not required for revenues or balance sheet transactions.
- **Object** 9290 is Due from Grantor Governments, and Object 8181 is Special Education—Entitlement.
- **School** is not required.

(c) To record receipt of the state special education program apportionment:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>6500</td>
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<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>8311</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
- **Project Year** is not applicable in this example.
- **Goal** 5001 is Special Education—Unspecified. A goal is required for Special Education revenue. Goal is not required for balance sheet transactions.
- **Function** is not required for revenues or balance sheet transactions.
- **Object** 8311 is Other State Apportionments–Current Year, and Object 9110 is Cash in County Treasury.
- **School** is not required.
Procedure 610  Revenues—Coding Examples

(d)  To record contributions from unrestricted revenues to special education and the corresponding transfer of cash:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8980</td>
</tr>
<tr>
<td>Cr</td>
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<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8980</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 6500** is Special Education, and **Resource 0000** is Unrestricted.
- **Project Year** is not applicable in this example.
- **Goal 5001** is Special Education—Unspecified. A goal is required for Special Education revenue. Goal is not required for balance sheet transactions.
- **Function** is not required for revenues or balance sheet transactions.
- **Object 9110** is Cash in County Treasury, and **Object 8980** is Contributions from Unrestricted Revenues.
- **School** is not required.

(e)  To record the payment of certificated teacher and speech therapist wages from the special education resource, which includes the state apportionment and contributed unrestricted moneys:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5770</td>
<td>1190</td>
<td>1100</td>
</tr>
<tr>
<td>Dr</td>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5770</td>
<td>3150</td>
<td>1200</td>
</tr>
<tr>
<td>Cr</td>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9110</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 6500** is Special Education.
- **Project Year** is not applicable in this example.
- **Goal 5770** is Special Education, Ages 5–22 Nonseverely Disabled; goal is not required for balance sheet accounts.
- **Function 1190** is Special Education: Other Specialized Instructional Service, and **Function 3150** is Speech Pathology and Audiology Services. Function is not required for balance sheet accounts.
### Procedure 610  Revenues—Coding Examples

- Object 1100 is Certificated Teachers' Salaries; Object 1200 is Certificated Pupil Support Salaries; and Object 9110 is Cash in County Treasury.
- School 456 is Sample High School. Coding to the school field is not required; however, LEAs may wish to code expenditures for local information.
County offices of education (i.e., offices of county superintendents of schools) perform various activities in support of school districts or other educational entities, including, but not limited to:

a. Coordination activities and professional services, such as supervision of instruction, health, guidance, attendance, and school library services (Education Code Section 1700 et seq.)

b. Financial services (Education Code Section 42100 et seq.)

c. Credential services (Education Code Section 44330)

Following are examples of common county office of education (COE) activities:

Example 1: COE Financial Office Staff Processes Districts' Payrolls.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>8600</td>
<td>7200</td>
<td>2400</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not required in this example.
- **Goal 8600** is County Services to Districts.
- **Function 7200** is Other General Administration.
- **Object 2400** is Clerical, Technical, and Office Staff Salaries.
- **School** is not required.
## Procedure 645  County Office of Education—Coding Examples

### Example 2: COE Processes Internal Payroll.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>7200</td>
<td>2400</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 0000 is Unrestricted.
- Project Year is not required in this example.
- Goal 0000 is Undistributed.
- Function 7200 is Other General Administration.
- Object 2400 is Clerical, Technical, and Office Staff Salaries.
- School is not required.

### Example 3: COE Examines District Budgets for Solvency and Compliance with State Criteria and Standards (*Education Code Section 42127 et seq.*).

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0500</td>
<td>0</td>
<td>8600</td>
<td>7200</td>
<td>2300</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 0500 is a locally defined resource to track COE Fiscal Oversight funding.
- Project Year is not required in this example.
- Goal 8600 is County Services to Districts.
- Function 7200 is Other General Administration.
- Object 2300 is Classified Supervisors' and Administrators' Salaries.
- School is not required.

### Example 4: COE Administers the Tobacco Use Prevention Education (TUPE) Program for School Districts in the County.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6680</td>
<td>0</td>
<td>8600</td>
<td>2100</td>
<td>1200</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
**Procedure 645  County Office of Education—Coding Examples**

- **Resource 6680** is TUPE: COE Administration Grants.
- **Project Year** is not required in this example.
- **Goal 8600** is County Services to Districts. The COE's role is administrative and is not directly involved with instructing students; the districts are implementing the TUPE curriculum.
- **Function 2100** is Instructional Supervision and Administration.
- **Object 1200** is Certificated Pupil Support Salaries.
- **School** is not required.

**Example 5: COE Holds Annual Math, Spelling, and Language Arts Contests for the School Districts' Students.**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>4900</td>
<td>4000</td>
<td>4300</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not required in this example.
- **Goal 4900** is Other Supplementary Education. This goal is for services the COE provides directly to students of other districts who are not on COE attendance rolls.
- **Function 4000** is Ancillary Services.
- **Object 4300** is Materials and Supplies.
- **School** is not required.

**Example 6: COE Employs Nurses for Direct Service Districts to Provide Nursing Care for the Students.**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>8600</td>
<td>3140</td>
<td>1200</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not required in this example.
- **Goal 8600** is County Services to Districts.
- **Function 3140** is Health Services.
- **Object 1200** is Certificated Pupil Support Salaries.
Procedure 645  County Office of Education—Coding Examples

- **School** is not required.

**Example 7: COE Assistant Superintendent Coordinates Curriculum Development with School Districts.**

The COE's assistant superintendent in charge of curriculum works with LEA teachers and curricula experts to coordinate programs between school districts. (This person is not primarily involved with COE general administration.)

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>8600</td>
<td>2100</td>
<td>1300</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not required in this example.
- **Goal 8600** is County Services to Districts.
- **Function 2100** is Instructional Supervision and Administration.
- **Object 1300** is Certificated Supervisors' and Administrators' Salaries.
- **School** is not required.

**Example 8: COE Receives Funding to Operate a County Community School Based on the Attendance of COE Students.**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>2420</td>
<td>0</td>
<td>3500</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 2420** is County Community Schools.
- **Project Year** is not applicable in this example.
- **Goal 3500** is County Community Schools.
- **Function 1000** is Instruction.
- **Object 1100** is Certificated Teachers' Salaries.
- **School** is not required.
**Procedure 645  County Office of Education—Coding Examples**

**Example 9: COE Receives Funding to Operate a Cal-SAFE County Classroom Program.**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6093</td>
<td>0</td>
<td>3100</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 6093** is Cal-SAFE County Classroom Program.
- **Project Year** is not applicable in this example.
- **Goal 3100** is Alternative Schools.
- **Function 1000** is Instruction.
- **Object 1100** is Certificated Teachers' Salaries.
- **School** is not required.
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Procedure 650  Facility Maintenance Programs—Coding Examples

The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

Local educational agencies (LEAs) that participate in certain school facility programs are required by state law to establish various restricted funds or accounts for facility maintenance purposes. These facility maintenance programs, which are administered by the Office of Public School Construction (OPSC), include the Deferred Maintenance Program and the School Facility Program Restricted Maintenance Account.

For guidance and coding examples for routine facilities maintenance expenditures, refer to Procedure 770, Distinguishing Between Supplies and Equipment.

Deferred Maintenance Fund

To receive deferred maintenance money, LEAs must establish a restricted fund referred to as the Deferred Maintenance Fund (Fund 14) and make annual deposits to this fund (Section 1866, Title 2, of the California Code of Regulations). Fund 14 is established in the standardized account code structure (SACS) to account for state apportionments and LEA contributions for deferred maintenance purposes pursuant to these requirements. (For additional information, refer to the definition of Fund 14 in Procedure 305.) Deposits to the Deferred Maintenance Fund are coded to Fund 14 and Resource 6205. Both codes are necessary for proper treatment.
Procedure 650  Facility Maintenance Programs—Coding Examples

Example 1: An LEA Makes Its Deferred Maintenance Match with an Interfund Transfer from the General Fund to the Deferred Maintenance Fund.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
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<td>0</td>
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<td>9300</td>
<td>7615</td>
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<td>9110</td>
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<td>0000</td>
<td>0000</td>
<td>8915</td>
</tr>
</tbody>
</table>

Note: LEAs frequently make their deferred maintenance match using Ongoing and Major Maintenance Account funds (Resource 8150). See page 650-5 for coding examples.

- Fund 01 is the General Fund, and Fund 14 is the Deferred Maintenance Fund.
- Resource 0000 is Unrestricted, and Resource 6205 is Deferred Maintenance Apportionment.
- Project Year is not applicable in this example.
- Goal 0000 is Undistributed. Goal is generally not required for revenues or balance sheet transactions.
- Function 9300 is Interfund Transfers. Function is not required for revenues or balance sheet transactions.
- Object 7615 is From General, Special Reserve, and Building Funds to Deferred Maintenance Fund; Object 9110 is Cash in County Treasury; and Object 8915 is To Deferred Maintenance Fund from General, Special Reserve, and Building Funds.
- School is not required.

Example 2: An LEA Receives a Deferred Maintenance Apportionment from the State Allocation Board.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>14</td>
<td>6205</td>
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<td>6205</td>
<td>0</td>
<td>0000</td>
<td>8540</td>
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</tr>
</tbody>
</table>

- Fund 14 is the Deferred Maintenance Fund.
- Resource 6205 is Deferred Maintenance Apportionment.
- Project Year is not applicable in this example.
- Goal is generally not required for revenues or balance sheet transactions.
- Function is not required for revenues or balance sheet transactions.
### Procedure 650 Facility Maintenance Programs—Coding Examples

- Object 9110 is Cash in County Treasury, and Object 8540 is Deferred Maintenance Allowance.
- School is not required.

**Example 3: An LEA Posts Interest Earnings to the Deferred Maintenance Fund.**

Generally, any interest earned on money deposited in the Deferred Maintenance Fund is applied to the fund and used for projects listed on the LEA’s Five-Year Plan approved by the State Allocation Board (Section 1866.12, Title 2, of the *California Code of Regulations*).

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
<td>14</td>
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<td>8660</td>
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</tr>
</tbody>
</table>

- **Fund 14** is the Deferred Maintenance Fund.
- **Resource 6205** is Deferred Maintenance Apportionment.
- **Project Year** is not applicable in this example.
- **Goal** is generally not required for revenues or balance sheet transactions.
- **Function** is not required for revenues or balance sheet transactions.
- **Object 9110** is Cash in County Treasury, and **Object 8660** is Interest.
- **School** is not required.

**Example 4: An LEA Transfers Unmatched Deferred Maintenance Funds to the General Fund.**

If the deferred maintenance funds allocated by the State Allocation Board pursuant to *Education Code* sections 17584 and 17585 are insufficient to fully match the local funds deposited in the Deferred Maintenance Fund, the LEA may use the unmatched funds in various ways. The OPSC encourages LEAs to use any unmatched local funds on deferred maintenance projects. However, the OPSC also allows LEAs to count unmatched local funds toward the subsequent year's deposit. Additionally, the governing board of the LEA may adopt a resolution to transfer the excess local funds deposited in this fund to any other expenditure classifications in other LEA funds (*Education Code* Section 17583).
Procedure 650  Facility Maintenance Programs—Coding Examples

If an LEA chooses to transfer the excess funds back to the fund from which it made the initial deposit in the same fiscal year as the deposit, it should reverse that portion of the original transfer.

If an LEA chooses to transfer the excess funds in a subsequent fiscal year or to a fund other than the fund from which it made the initial deposit, the LEA would record the transfer in the following manner (example assumes transfer back to the general fund in a subsequent fiscal year):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
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<td>9300</td>
<td>7619</td>
</tr>
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<td>0000</td>
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<td>9110</td>
</tr>
<tr>
<td>Dr</td>
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<tr>
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<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8919</td>
</tr>
</tbody>
</table>

- Fund 14 is the Deferred Maintenance Fund, and Fund 01 is the General Fund.
- Resource 6205 is Deferred Maintenance Apportionment, and Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal 0000 is Undistributed. Goal is generally not required for revenues or balance sheet transactions.
- Function 9300 is Interfund Transfers. Function is not required for revenues or balance sheet transactions.
- Object 7619 is Other Authorized Interfund Transfers Out; Object 9110 is Cash in County Treasury; and Object 8919 is Other Authorized Interfund Transfers In.
- School is not required.

Ongoing and Major Maintenance Account

To ensure that state-funded facility projects are kept in good repair, pursuant to Education Code Section 17070.75, LEAs with a project funded by the State Allocation Board after November 1998 under the Leroy F. Greene School Facilities Act of 1998 must establish and maintain a restricted maintenance account within their general fund to be used for ongoing and major maintenance of school buildings. For the next 20 years after receiving facility funds, districts must annually make a deposit into the account that is equal to or greater than 3 percent of their total general fund budgeted expenditures, including other financing uses, for that fiscal
Procedure 650  Facility Maintenance Programs—Coding Examples

 year; for the COEs, the 3 percent requirement shall be based on the COE's county school service fund less any restricted accounts. (See Education Code Section 17070.75 for exceptions to the annual contribution requirement.)

Activity for this restricted account is recorded in Resource 8150, Ongoing and Major Maintenance Account (OMMA), which is sometimes referred to as the Restricted Maintenance Account (RMA).

LEAs must be sure to make OMMA contributions to Resource 8150 and not confuse them with contributions made to Resource 8100, Routine Repair and Maintenance (RRRMF: Education Code Section 17014). Resource 8100 is related to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 and does not apply to school districts that received funds under the Leroy F. Greene School Facilities Act of 1998. Failure to correctly code the contributions may adversely affect reports such as the LEA’s Criteria and Standards report.

Example 1: An LEA Makes a Contribution to the Ongoing and Major Maintenance Account.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr</td>
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</tr>
<tr>
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<td>0000</td>
<td>8980</td>
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</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted, and Resource 8150 is Ongoing and Major Maintenance Account.
- Project Year is not applicable in this example.
- Goal is generally not required for revenues or balance sheet transactions.
- Function is not required for revenues or balance sheet transactions.
- Object 8980 is Contributions from Unrestricted Revenues, and Object 9110 is Cash in County Treasury.
- School is not required.

Example 2: An LEA Makes an Expenditure in the Ongoing and Major Maintenance Account.
Procedure 650 Facility Maintenance Programs—Coding Examples

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
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</table>

- **Fund 01** is the General Fund.
- **Resource 8150** is Ongoing and Major Maintenance Account.
- **Project Year** is not applicable in this example.
- **Goal 0000** is Undistributed. Goal is generally not required for revenues or balance sheet transactions.
- **Function 8100** is Plant Maintenance and Operations.
- **Object 4300** is Materials and Supplies.
- **School** is not required.

**Example 3: An LEA Makes a Transfer of Ongoing and Major Maintenance Account Funds to the Deferred Maintenance Fund.**

Annual deposits to the OMMA (Resource 8150) in excess of 2½ percent may count toward the required contribution to the Deferred Maintenance Fund (*Education Code* Section 17070.75 [b][2]).

(a) The LEA transfers the funds from the General Fund to the Deferred Maintenance Fund.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
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<td>0000</td>
<td>0000</td>
<td>8915</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund, and **Fund 14** is the Deferred Maintenance Fund.
- **Resource 8150** is Ongoing and Major Maintenance Account, and **Resource 6205** is Deferred Maintenance Apportionment.
- **Project Year** is not applicable in this example.
- **Goal 0000** is Undistributed. Goal is generally not required for revenues or balance sheet transactions.
- **Function 9300** is Interfund Transfers. Function is not required for revenue or balance sheet transactions.
- **Object 7615** is From General, Special Reserve, and Building Funds to Deferred Maintenance Fund; **Object 9110** is Cash in
County Treasury; and Object 8915 is To Deferred Maintenance Fund from General, Special Reserve, and Building Funds.

- School is not required.

(b) Alternatively, for tracking purposes, the LEA may post the transfer of funds in a two-step process, beginning with the transfer of funds to Fund 14 in Resource 8150. Then, once the money is in the Deferred Maintenance Fund, the LEA will post a contribution to Resource 6205, Deferred Maintenance Apportionment.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
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<td>0000</td>
<td>9110</td>
<td>000</td>
</tr>
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<table>
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<th>Goal</th>
<th>Function</th>
<th>Object</th>
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<td>9110</td>
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<tr>
<td>Cr  14</td>
<td>6205</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8990</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund, and Fund 14 is the Deferred Maintenance Fund.
- Resource 8150 is Ongoing and Major Maintenance Account, and Resource 6205 is Deferred Maintenance Apportionment.
- Project Year is not applicable in this example.
- Goal 0000 is Undistributed. Goal is generally not required for revenues or balance sheet transactions.
- Function 9300 is Interfund Transfers. Function is not required for revenues or balance sheet transactions.
- Object 7615 is From General, Special Reserve, and Building Funds to Deferred Maintenance Fund; Object 9110 is Cash in County Treasury; Object 8915 is To Deferred Maintenance Fund from General, Special Reserve, and Building Funds; and Object 8990 is Contributions from Restricted Revenues.
- School is not required.
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Procedure 655  Employment Separation Costs—Coding Examples

When an employee separates from service (e.g., retires or terminates), the LEA may incur costs associated with the separation in addition to the employee's regular salary and benefits for the final pay period. These additional separation costs can be categorized as "normal" or "abnormal or mass." While most separation costs can be charged to the same standardized account code structure (SACS) goal and function as the employee's regular salary, special treatment may be required for the SACS resource and object.

Normal Separation Costs

Normal separation costs include items such as pay for accumulated unused leave or routine severance pay authorized by governing board policy. These normal separation costs are charged to the same goal, function, and object as the employee's regular salary. However, special consideration must be given to the resource.

Generally, federal program cost principles prohibit charging normal separation costs directly to any federal program that is subject to those cost principles; rather, another allowable resource or an unrestricted resource (0000–1999) must be used. State programs may have similar restrictions.

Optional Adjustment to the Indirect Cost Pool

Federal guidelines and California's indirect cost plan allow that normal separation costs that would have been charged to a restricted resource but, in keeping with federal guidelines, are instead charged to an unrestricted resource may be included in the LEA's indirect cost pool. LEAs that choose to do this will manually identify and enter the costs during calculation of the indirect cost rate (see Procedure 915, Indirect Cost Rate).

Example 1: Normal Separation Costs for Employees Funded from an Unrestricted Resource

A general education teacher leaves the district. In addition to receiving regular pay for the final pay period, the teacher also receives payment for
Procedure 655  Employment Separation Costs—Coding Examples

accumulated unused leave. Since the teacher's position was funded from an unrestricted resource, both the regular salary for the final pay period and the payment for accumulated unused leave can be charged to the same resource, goal, function, and object as the teacher's regular salary:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
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</thead>
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<tr>
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<td>0</td>
<td>1110</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not applicable in this example.
- **Goal 1110** is Regular Education, K–12.
- **Function 1000** is Instruction.
- **Object 1100** is Certificated Teachers' Salaries.
- **School** is not required.

Example 2: Normal Separation Costs for an Employee Funded from a Federal Resource

An instructional aide retires from a federal Title I position. The amounts paid to the aide at separation include regular salary for the final pay period, plus normal separation costs for accumulated unused leave. Since federal guidelines prohibit charging separation costs directly to this program, the regular salary for the final pay period can be charged to the same resource, goal, function, and object as the aide's regular salary, but the separation costs must be charged to another allowable resource such as an unrestricted resource:

<table>
<thead>
<tr>
<th>Regular Salary Costs:</th>
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<tbody>
<tr>
<td>Fund</td>
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<tr>
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<tr>
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</table>

<table>
<thead>
<tr>
<th>Normal Separation Costs:</th>
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</thead>
<tbody>
<tr>
<td>Fund</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>01</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund.
Procedure 655  Employment Separation Costs—Coding Examples

- Resource 3010 is NCLB, Title I, Part A; Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal 1110 is Regular Education, K–12.
- Function 1000 is Instruction.
- Object 2100 is Classified Instructional Salaries.
- School is not required.

Because the normal separation costs were charged to an unrestricted resource rather than to the employee's regular restricted resource, the LEA will have the option during the indirect cost rate calculation to manually include the costs in the indirect cost pool.

Example 3: Leave Is Used Before Separation Occurs

An employee working in a federal program retires on June 30, and uses up his accumulated leave time during the period(s) leading up to retirement.

In this example, special coding is not required. The leave is charged to the same resource, goal, function, and object as the employee's regular salary. This is because federal guidelines provide that costs of leave taken during authorized absences from the job are allowable to the extent the leave is reasonable and required by law, and is consistent with employer–employee agreement or established policy of the LEA (refer to Office of Management and Budget [OMB] Circular A-87 Section 8[d][1]).

Abnormal or Mass Separation Costs

Costs resulting from actions taken by an LEA to influence employees to terminate their employment earlier than they normally would have are considered abnormal or mass separation costs. The most common examples of these costs include early retirement incentives offered in the form of additional pay or added benefits (e.g., a Golden Handshake) and severance packages negotiated to effect termination.

Abnormal or mass separation costs generally may not be charged as either a direct cost or an indirect cost to a federal program subject to the federal cost principles. State programs may have similar restrictions. Note that in very limited circumstances an exception may be made to this rule, such as where a federal program is being eliminated or where a particular federal program specifically allows the costs. However, prior approval by the
Procedure 655  Employment Separation Costs—Coding Examples

federal government is normally required (such requests should be submitted to CDE).

Abnormal or mass separation costs may be charged to the same goal and function (and possibly the same object) as the employee's regular salary, but absent an approved exception, they must be charged to another allowable resource or to an unrestricted resource (0000–1999).

Required Adjustment to the Indirect Cost Pool

Unless prior federal approval has been obtained, abnormal or mass separation costs may not be charged either directly or indirectly to a federal program subject to the cost principles. Because of this requirement, LEAs must ensure that any such costs charged to an unrestricted resource are also excluded from the indirect cost pool. To do this, where there are abnormal or mass separation costs relating to employees charged to indirect activities (Function 7200, Other General Administration, and Function 7700, Centralized Data Processing), LEAs must manually identify and exclude the costs during calculation of the indirect cost rate (see Procedure 915, Indirect Cost Rate).

Example 1: Teachers Receive Enhanced Pension Benefits in Exchange for Early Retirement

Teachers are offered two extra years of retirement service credit in exchange for early retirement (e.g., a Golden Handshake), and a teacher working in a federal special education program accepts the offer. The benefit cost can be charged to the employee's regular goal and function, along with an object for Golden Handshake, but because it is a federal program and this is an abnormal or mass separation cost, the cost is charged to an unrestricted resource (0000–1999):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>5770</td>
<td>1110</td>
<td>3901</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal 5770 is Special Education, Ages 5–22 Nonseverely Disabled.
Procedure 655  Employment Separation Costs—Coding Examples

- Function 1110 is Special Education: Separate Classes.
- Object 3901 is Other Benefits, Certificated Positions.
- School is not required.

Example 2: Downsizing of Fiscal Services Staff Effects an Early Separation

An LEA is considering downsizing its fiscal services staff. Employees in the accounting office are offered a two-month salary severance package in exchange for voluntary termination of employment, and one accepts the offer. Since this position is already being coded to an unrestricted resource, the costs of the two-month salary severance package can be charged to the employee's regular resource, goal, function, and object:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
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<tbody>
<tr>
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<td>0000</td>
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<td>2400</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal 0000 is Undistributed.
- Function 7200 is Other General Administration.
- Object 2400 is Clerical, Technical, and Office Staff Salaries.
- School is not required.

However, because abnormal separation costs may not be included in the indirect cost pool, and this employee's costs are charged to a function within the pool, the LEA must manually exclude these costs during calculation of the indirect cost rate (see Procedure 915, Indirect Cost Rate).

Example 3: A Federally Funded Teacher Accepts a Salary Bonus in Exchange for Early Retirement

Teachers are offered a two-month salary bonus in exchange for early retirement, and a teacher working in a federal Title III program accepts the offer. Because this salary bonus is an abnormal or mass separation cost, it
Procedure 655  Employment Separation Costs—Coding Examples

cannot be charged to this federal program; rather, it must be coded to another allowable program or to an unrestricted resource:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
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<tr>
<td>01</td>
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<td>0</td>
<td>4760</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

• Fund 01 is the General Fund.
• Resource 0000 is Unrestricted.
• Project Year is not applicable in this example.
• Goal 4760 is Bilingual.
• Function 1000 is Instruction.
• Object 1100 is Certificated Teachers' Salaries.
• School is not required.
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An issuance of certificates of participation (COPs) is a mechanism for providing capital to school districts and county offices to purchase equipment, finance construction projects, or refinance existing leases. This financing technique provides long-term financing through a lease with an option to purchase or a conditional sales agreement.

The major disadvantage of a COP is that there is no repayment source connected to its issuance, such as there is with an issuance of general obligation debt. The lease obligation is payable out of the general fund or from other available revenues.

The following points are important to understanding how certificates of participation are accounted for in conformity with generally accepted accounting principles (GAAP):

1. The financing of certificates of participation typically involves the following parties:

   **Lessee (Issuer)**—A school district or county office of education

   **Lessor**—A nonprofit corporation, joint powers authority, leasing company, bank, or other entity that holds title to the equipment during the lease period

   **Trustee**—A commercial bank or trust company that receives the proceeds, collects the lease payments on behalf of the lessor, and/or repays the notes. The trustee is required to adhere to the standards in the trust agreement and maintain the trust fund accounts. The trust fund accounts show all disbursements made against the certificates of participation's proceeds as well as any interest earned.

   **Underwriter**—A municipal securities dealer who commits to the purchase of the certificates and remarkets them to investors. The underwriter will charge a fee, known as the underwriter's discount, to assume the underwriting risk of the COPs.

2. At the time the proceeds of the COPs are deposited with the trustee, the money legally belongs to the local educational agency...
Procedure 720  Certificates of Participation (COPs)

(LEA). Therefore, at this time, the LEA must record the proceeds in its books.

3. The proceeds of the COPs should be reported in the fund that will be used to acquire or construct the assets. This will typically be the general fund or a capital projects fund.

School districts may identify developer fees as the repayment source for COPs. If this is the case, the LEA will record the proceeds of the COPs in the Capital Facilities Fund.

4. The LEA must review the section of the COPs' documents titled "Sources and Uses of Funds" to determine the opening entry needed on the LEA's books to account for the COPs. The following sources or uses of funds will typically be found:

Accrued Interest—The amount of interest accrued on COPs from the issue date until closing. The underwriter pays this amount to the trustee at closing, and the money is held by the trustee in the lease payment account as a credit toward the first scheduled lease payment. For this reason the accrued interest is recorded as interest payable.

Capitalized or Funded Interest—The amount of interest on a COP that will accrue from the COP's issue date to the date the project or property being financed is projected to be completed. California law precludes issuers from making lease payments unless they have constructive use or occupancy of the property being financed. The funded interest is a component of the COP's proceeds and is used to pay the investors their semiannual interest payments during the construction period. As a matter of practice, funded interest normally extends two to three months beyond the projected completion date to cover unforeseen delays.

Reserve Account (Reserve for Debt Service)—Underwriters typically require a debt service reserve funded by the proceeds of the COP. The reserve is held by the trustee to pay investors in the event of the issuer's default or in the case of late payment. If neither of these events occurs, the reserve account is used to make the final lease payment. Because the amount of the COP's proceeds that represents the Reserve for Debt Service legally may not be
spent, this amount must be shown as nonspendable fund balance at year-end.

*Underwriter's Discount*—The fee a municipal underwriter charges to assume the underwriting risk of the COP. The underwriter's fees will typically be deducted from the proceeds before the proceeds are deposited with the trustee.

5. The trustee will maintain the proceeds in various trust accounts. The trustee will provide information to the LEA on all activity in the trust accounts. The LEA must account for all such activity in its books.

6. It is not necessary to make the lease payments for COPs out of a separate debt service fund.

The following examples show the accounting for COPs in conformity with generally accepted accounting principles:

Assume that on August 1, 2007, a school district issues certificates of participation for the purchase of 193 school buses from the ABC Bus Company. The XYZ Bank is designated as trustee of the certificates and is assigned the right to enforce amounts payable by the district under the agreement. The first lease payment is due in February 2008, and the final payment is due in August 2012.

**Estimated Sources and Uses of Proceeds**

<table>
<thead>
<tr>
<th>Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate Proceeds</td>
<td>$18,200,000</td>
</tr>
<tr>
<td>Accrued Interest</td>
<td>100,000</td>
</tr>
<tr>
<td>Total Sources</td>
<td><strong>$18,300,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of Equipment</td>
<td>$14,950,000</td>
</tr>
<tr>
<td>Capitalized Interest</td>
<td>500,000</td>
</tr>
<tr>
<td>Reserve for Debt Service</td>
<td>2,700,000</td>
</tr>
<tr>
<td>Underwriter's Discount</td>
<td>150,000</td>
</tr>
<tr>
<td>Total Uses</td>
<td><strong>$18,300,000</strong></td>
</tr>
</tbody>
</table>

Assume that the Reserve for Debt Service of $2,700,000 was invested and estimated to earn interest of $110,000 through January 31, 2008, and $92,000 from February 1 through June 30, 2008.
Procedure 720  
Certificates of Participation (COPs)

The lease payment schedule is as follows:

<table>
<thead>
<tr>
<th>Lease payment dates</th>
<th>Principal Component</th>
<th>Interest Component</th>
<th>Total Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 1, 2008</td>
<td>3,200,000</td>
<td>$ 500,000</td>
<td>3,700,000</td>
</tr>
<tr>
<td>August 1, 2008</td>
<td>3,300,000</td>
<td>400,000</td>
<td>3,700,000</td>
</tr>
<tr>
<td>February 1, 2009</td>
<td>3,500,000</td>
<td>300,000</td>
<td>3,800,000</td>
</tr>
<tr>
<td>August 1, 2010</td>
<td>3,800,000</td>
<td>200,000</td>
<td>4,000,000</td>
</tr>
<tr>
<td>February 1, 2011</td>
<td>4,400,000</td>
<td>100,000</td>
<td>4,500,000</td>
</tr>
<tr>
<td>Total</td>
<td>$18,200,000</td>
<td>$ 3,000,000</td>
<td>$21,200,000</td>
</tr>
</tbody>
</table>

Key Entries for Certificates of Participation

1. Proceeds from the sale of the certificates of participation (COPs) are deposited with the trustee in the name of the LEA. The terms of the COPs require a debt service reserve of $2,700,000. All interest earned on the debt service reserve is available for debt repayment.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-1-07</td>
<td>Cash with a Fiscal Agent/Trustee</td>
<td>01-0000-0-0000-0000-9135</td>
<td>$18,150,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Professional/Consulting Services and Operating Expenditures</td>
<td>01-0000-0-0000-9100-5800</td>
<td>150,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Proceeds from COPs</td>
<td>01-0000-0-0000-0000-8971</td>
<td></td>
<td>$18,200,000</td>
</tr>
<tr>
<td></td>
<td>Accounts Payable</td>
<td>01-0000-0-0000-0000-9500</td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To record the receipt of the proceeds from the sale of the COPs to be used for the purchase of equipment and the underwriter's discount.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Equipment is purchased.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-1-07</td>
<td>Equipment</td>
<td>01-0000-0-0000-3600-6400</td>
<td>$14,950,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td></td>
<td>$14,950,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To record the purchase of 193 buses acquired through the issuance of COPs.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Procedure 720  Certificates of Participation (COPs)

3. Reimbursement is received from the trustee.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1-07</td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td>$14,950,000</td>
<td>$14,950,000</td>
</tr>
<tr>
<td></td>
<td>Cash with a Fiscal Agent/Trustee</td>
<td>01-0000-0-0000-0000-9135</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record the reimbursement received from the trustee.

4. Interest is received on the investments of the $2,700,000 debt service reserve.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-1-08</td>
<td>Cash with a Fiscal Agent/Trustee</td>
<td>01-0000-0-0000-0000-9135</td>
<td>$ 110,000</td>
<td>$ 110,000</td>
</tr>
<tr>
<td></td>
<td>Interest</td>
<td>01-0000-0-0000-0000-8660</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record the interest earned on the debt service reserve.

5. The first lease payment, which represents interest only, is made in accordance with the lease payment schedule.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-1-08</td>
<td>Debt Service—Interest</td>
<td>01-0000-0-0000-9100-7438</td>
<td>$ 400,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accounts Payable</td>
<td>01-0000-0-0000-0000-9500</td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash with a Fiscal Agent/Trustee</td>
<td>01-0000-0-0000-0000-9135</td>
<td></td>
<td>$ 500,000</td>
</tr>
</tbody>
</table>

To record the first payment on the COPs.

6. Interest of $92,000 is earned, but not yet received, on the debt service reserve.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-1-08</td>
<td>Accounts Receivable</td>
<td>01-0000-0-0000-0000-9200</td>
<td>$ 92,000</td>
<td>$ 92,000</td>
</tr>
<tr>
<td></td>
<td>Interest</td>
<td>01-0000-0-0000-0000-8660</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To accrue interest earned on the investment of the debt service reserve.

7. At the end of the fiscal year, the LEA records a reservation of fund balance for the COPs legally restricted Reserve for Debt Service.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-30-08</td>
<td>Unassigned/Unappropriated</td>
<td>01-0000-0-0000-0000-9790</td>
<td>$ 2,700,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Nonspendable Assets</td>
<td>01-0000-0-0000-0000-9719</td>
<td></td>
<td>$ 2,700,000</td>
</tr>
</tbody>
</table>

To reserve that portion of fund balance that represents the COPs required debt service reserve.


**Procedure 720  Certificates of Participation (COPs)**

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8. The interest earned on the debt service reserve is received.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-5-08</td>
<td>Cash with a Fiscal Agent/Trustee</td>
<td>01-0000-0-0000-0000-9135</td>
<td>$92,000</td>
<td>$92,000</td>
</tr>
<tr>
<td></td>
<td>Accounts Receivable</td>
<td>01-0000-0-0000-0000-9200</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record the receipt of interest earned on the debt service reserve through June 30.

9. The second lease payment is made.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-1-08</td>
<td>Debt Service—Interest</td>
<td>01-0000-0-0000-9100-7438</td>
<td>$500,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Debt Service—Principal</td>
<td>01-0000-0-0000-9100-7439</td>
<td>3,200,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td></td>
<td>$3,498,000</td>
</tr>
<tr>
<td></td>
<td>Cash with a Fiscal Agent/Trustee</td>
<td>01-0000-0-0000-0000-9135</td>
<td></td>
<td>202,000</td>
</tr>
</tbody>
</table>

To record the second lease payment on the COPs.
Procedure 730 Short-Term Borrowings

LEAs may periodically find it necessary to finance temporary cash shortfalls resulting from budget cuts, appropriation deferrals, and normal differences in the timing of expenditures and revenue receipts. The following options may be available to alleviate these shortfalls.

Interfund Borrowings

*Education Code* Section 42603 provides that moneys held in any fund or account may be temporarily transferred to another fund or account for payment of obligations, with certain limitations.

1. Amounts transferred shall be repaid either in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year.
2. Borrowing shall occur only when the fund receiving the money will earn sufficient income during the current fiscal year to repay the amount transferred.
3. No more than 75% of the maximum of moneys held in any fund during a current fiscal year may be transferred.

Concerns regarding the legality of borrowing from certain funds or restricted programs should be discussed with legal counsel. Note that borrowings from restricted funds should be repaid with interest, if there are interest requirements relating to those programs or funds.

**Accounting for Interfund Borrowings.** *Education Code* Section 42603 provides that the transfer shall be accounted for as temporary borrowing between funds or accounts and shall not be available for appropriation or be considered income to the borrowing fund or account. The accounting is a debit to Object Code 9310, Due From Other Funds, with a credit to Cash in the lending fund, and a debit to Cash in the borrowing fund, with a credit to Object Code 9610, Due To Other Funds. These amounts are then carried on the balance sheet until the entry is reversed when the funds are repaid. Temporary borrowings are not accounted for as interfund transfers and do not affect the fund balance for either the borrowing or lending fund.
Short-Term Borrowings From External Sources

If it is not possible to alleviate temporary cash shortfalls by interfund borrowing, it may be necessary for LEAs to borrow funds on a short-term basis from external sources. Following are some possible sources.

**Tax Revenue Anticipation Notes.** Tax Revenue Anticipation Notes (TRANs) are short-term, interest bearing notes issued by a government in anticipation of tax revenues that will be received at a later date. The notes are retired from the tax revenues to which they relate. Many LEAs issue TRANs for cash flow management purposes every year.

See Procedure 715 for further information and accounting examples for transactions relating to TRANs.

**County Office of Education.** *Education Code* sections 42621 and 42622 authorize county offices of education to lend funds to school districts. The funds must be repaid either within the fiscal year or within the next fiscal year, depending on the type of loan that is granted. Certain other restrictions apply, as indicated in the applicable statutes. Such loans are discretionary and are subject to availability of funds at the county office level.

**County Treasurer.** *Education Code* Section 42620 requires the county board of supervisors to lend money to school districts when certain conditions exist. However, Section 6 of Article XVI of the Constitution of the State of California requires that such loans must be made before the last Monday in April. It may be necessary to coordinate with the county office of education regarding loan and repayment terms, as these terms vary by county.

**Accounting for Short-Term Borrowings from External Sources.** The accounting is a debit to Cash and a credit to Object Code 9640, Current Loans, in the borrowing fund. The loan is carried on the balance sheet until it is repaid. Temporary borrowings do not affect the fund balance of the borrowing fund.
Procedure 750  Pass-Through Grants and Cooperative Projects

The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

Frequently, local educational agencies (LEAs) have occasion to pass grant funds on to other LEAs. As examples, school districts and county offices of education often enter into subagreements with other LEAs to operate a program more effectively, or several LEAs may pool their resources to operate certain projects cooperatively (cooperative projects), or an LEA may simply pass funds to other LEAs (pass-through grants). There are three models commonly used to account for these transactions between LEAs: cash conduits, pass-through grants, and subagreements for services.

Cash Conduit Model

Governmental Accounting Standard Board (GASB) Statement 24, Accounting and Financial Reporting for Certain Grants and Other Financial Assistance, generally requires the original recipient LEA to report pass-through grants in a governmental fund or (more rarely, for LEAs) in a proprietary or trust fund. However, when the recipient LEA acts only as a cash conduit that transfers money to the subrecipient grantee and has no administrative or direct financial involvement in the program, the recipient LEA should report the grant in an agency fund. Unlike governmental funds, agency funds are custodial, where only the assets held for other agencies and the corresponding amounts due to those agencies are reported. Revenues and expenditures are not recorded in an agency fund.

As a practical matter, it is rare for a grant to qualify as a pure cash conduit. One of the rare circumstances exists when certain funding sources are passed through from an authorizing LEA to a charter school that is locally funded but that is not otherwise a part of the LEA. These funding sources are the Charter Schools General Purpose Entitlement, the Charter Schools Categorical Block Grant, and the charter school’s State Lottery Revenue. Because the authorizing LEA has no administrative or direct financial
involvement, the pass-through of these funding sources to a charter school should be reported by the authorizing LEA in an agency fund.

For all other charter school grants for which funding may flow through the authorizing LEA, the authorizing LEAs should consult the guidance in the following paragraphs to determine if they have administrative involvement or both administrative and financial involvement and to assess whether the pass-through of charter school revenue should be recorded in the LEA’s general fund or in an agency fund.

Pass-Through Grants and Subagreements for Services Models

For recipient LEAs that have either administrative or direct financial involvement in a pass-through grant, the pass-through transactions must be recorded in a governmental fund. The model used to account for the pass-through transactions depends on whether the recipient LEA has (1) only administrative involvement; or (2) both administrative and financial involvement. Generally, an LEA with only administrative involvement will use the pass-through grant model. An LEA with both administrative and direct financial involvement will use the subagreement for services model.

1. **Administrative Involvement Only: Pass-through Grant Model**
   A recipient LEA has only administrative involvement in a pass-through grant if it (a) monitors subrecipient LEAs for compliance with requirements; (b) determines eligibility of subrecipient LEAs, even if using grantor-established criteria; or (c) has the ability to exercise discretion in how the funds are allocated. The accounting for this type of pass-through grant is as follows:

   **Recipient LEA (administrative involvement only)**
   The recipient LEA reports the receipt of the grant revenue as a pass-through revenue using object 8287, 8587, or 8697 with the resource code for the grant. The recipient LEA reports the pass-through of funds to the subrecipient LEA as an interagency transfer using object 7211, 7212, or 7213 with Goal 0000, Undistributed, and Function 9200, Transfers Between Agencies.

   **Subrecipient LEAs**
Subrecipient LEAs report receipt of the grant revenues in the normal revenue object for the grant (e.g., 8290, All Other Federal Revenue) with the resource code for the grant. Subrecipient LEAs report their grant expenditures in the resource for the grant with the normal goals, functions, and objects.

**Exception for Special Education and ROCP**
Pass-throughs of state apportionments for special education and ROCP are accounted for as "transfers of apportionment" rather than as pass-through grants. For example, a district participating in an ROCP Joint Power Authority or Agreement (JPA) would recognize its ROCP apportionment as other state apportionments (Resource 6350 and Object 8311) and would record the pass-through of funds to the JPA as a transfer of apportionment (Resource 6350, Function 9200, and Object 7223).

2. **Administrative and Direct Financial Involvement:**
   **Subagreement for Services Model**
   A recipient LEA has direct financial involvement in a pass-through grant if it is liable for disallowed costs or if it funds part of the costs. By having financial involvement in a pass-through grant, a recipient LEA automatically has administrative involvement as well. These types of pass-through grants are commonly referred to as "subagreements for services" between LEAs, that is, transactions in which the recipient LEA to whom the funding was originally awarded contracts with subrecipient LEAs to carry out the terms of the grant under the direction of the recipient LEA. The accounting for this type of pass-through grant is as follows:

   **Recipient LEA (administrative and direct financial involvement)**
   The recipient LEA reports the receipt of the grant revenue in the normal revenue object for the grant (e.g., 8290, Other Federal Revenue) with the resource code for the grant. The recipient LEA reports the disbursement of funds to subrecipient LEAs in Object 5100, Subagreements for Services, in the normal goals and functions for the grant expenditures.

   **Subrecipient LEAs**
Procedure 750  Pass-Through Grants and Cooperative Projects

Subrecipient LEAs report the receipt of subagreement revenues in Object 8677, Interagency Services Between LEAs (or in Object 8285, Interagency Contracts Between LEAs, if the original grant is of federal origin) and in an applicable resource. Subrecipient LEAs report their subagreement expenditures in Goal 7110, Nonagency—Educational, in the normal functions and objects.

Cooperative Projects

California school districts and county offices of education often pool their resources and operate certain federal and state projects cooperatively for economic efficiency.

Some cooperative projects are formed to meet certain objectives established by the participants. This approach usually calls for the participants to pool their resources and for one school district or county office to serve as the lead and operate the project for the others. Typically this is a local decision, not a condition of the grant itself, and the appropriate accounting is the "subagreement for services" model.

Other cooperative projects are formed in order to meet specific federal grant or entitlement conditions and requirements. This approach usually requires that one LEA serve as the applicant for purposes of receiving federal funds and disbursing them to the other participating LEAs that operate their own projects. Periodic cash advances may be made directly to the applicant LEA for deposit and disbursement. The appropriate accounting for this type of cooperative project is the "pass-through" model.
Procedure 750  Pass-Through Grants and Cooperative Projects

Summary Examples of Pass-Through Transactions

I.  Transfer of Apportionment (Special Education and ROCP only)

<table>
<thead>
<tr>
<th>Original Recipient</th>
<th>Subrecipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of ROCP apportionment</td>
<td>Receipt of transfer of ROCP apportionment</td>
</tr>
<tr>
<td>01-6350-0-0001-0000-8311</td>
<td>01-6350-0-0000-0000-8791, 2, 3</td>
</tr>
<tr>
<td>Transfer of ROCP apportionment</td>
<td>Expenditure of ROCP funds</td>
</tr>
<tr>
<td>01-6350-0-0001-9200-7221, 2, 3</td>
<td>01-6350-0-6000-XXXX-XXXX</td>
</tr>
</tbody>
</table>

II.  Pass-Through of All Other Resources (Federal, State, or Local)

<table>
<thead>
<tr>
<th>Original Recipient</th>
<th>Subrecipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of federal revenue to be passed through</td>
<td>Receipt of passed-through federal revenue</td>
</tr>
<tr>
<td>01-3310-0-5001-0000-8287</td>
<td>01-3310-0-5001-0000-8181</td>
</tr>
<tr>
<td>Pass-through of federal revenue</td>
<td>Expenditure of federal program funds</td>
</tr>
<tr>
<td>01-3310-0-5001-9200-7211, 2, 3</td>
<td>01-3310-0-5XXX-XXXX-XXXXX</td>
</tr>
<tr>
<td>Receipt of state revenue to be passed through</td>
<td>Receipt of passed-through state revenue</td>
</tr>
<tr>
<td>01-7110-0-0000-0000-8587</td>
<td>01-7110-0-0000-0000-8590</td>
</tr>
<tr>
<td>Pass-through of state revenue</td>
<td>Expenditure of state program funds</td>
</tr>
<tr>
<td>01-7110-0-0000-9200-7211, 2, 3</td>
<td>01-7110-0-XXXX-XXXX-XXXXX</td>
</tr>
<tr>
<td>Receipt of local revenue to be passed through</td>
<td>Receipt of passed-through local revenue</td>
</tr>
<tr>
<td>01-9010-0-0000-0000-8697</td>
<td>01-9010-0-0000-0000-8699</td>
</tr>
<tr>
<td>Pass-through of local revenue</td>
<td>Expenditure of local program funds</td>
</tr>
<tr>
<td>01-9010-0-0000-9200-7211, 2, 3</td>
<td>01-9010-0-XXXX-XXXX-XXXXX</td>
</tr>
</tbody>
</table>

III.  Subagreements for Services

<table>
<thead>
<tr>
<th>Original Recipient</th>
<th>Subrecipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of grant revenue</td>
<td>Receipt of payment for subagreement services</td>
</tr>
<tr>
<td>01-6500-0-5001-0000-8311</td>
<td></td>
</tr>
<tr>
<td>Payment to subrecipient for subagreement services</td>
<td></td>
</tr>
</tbody>
</table>
Procedure 750  Pass-Through Grants and Cooperative Projects

Sample Journal Entries for a Cooperative Project

Small school districts may find it advantageous to pool their resources to provide programs that could not be financed by one district alone. The following example assumes that five small districts contract with the county office of education (COE) to use Tobacco-Use Prevention Education (TUPE) money to run a program designed to reach students at risk of using tobacco.

Example: COE Receives TUPE Grant Money for Administrative Purposes, and Districts Receive TUPE Money for Program Purposes; Districts and the COE Form a Cooperative Project for TUPE Services

(a) The following entries record the receipt of the TUPE grants:

For the COE:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6680</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8590</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 6680 is TUPE: COE Administration Grants.
- Project Year is not applicable in this example.
- Goal is not required for revenue.
- Function is not required for revenue.
- Object 8590 is All Other State Revenue.
- School is not required.

For the districts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6690</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8590</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6690 is TUPE: Grades Six Through Twelve.
- Project Year is not applicable in this example.
Procedure 750  Pass-Through Grants and Cooperative Projects

- **Goal** is not required for revenues.
- **Function** is not required for revenues.
- **Object 8590** is All Other State Revenue.
- **School** is not required.

(b) According to the contractual agreement, the districts use their TUPE program funds to pay the COE to operate a Friday Night Live program designed for regular education students.

The COE records the revenue received from the districts in a locally defined restricted local resource:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9150</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8677</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 9150 is a locally defined restricted code for the Friday Night Live contract. Resource 9150 rolls up to Resource 9010, Other Local, when data are submitted to CDE at year-end.
- **Project Year** is not applicable in this example.
- **Goal** is not required for revenue.
- **Function** is not required for revenue.
- **Object 8677** is Interagency Services Between LEAs.
- **School** is not required.

The districts, as the original recipient LEAs, are responsible for reporting their expenditures to CDE; they use the applicable goal and functions, and the object illustrates that they subcontracted with the COE:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6690</td>
<td>0</td>
<td>1110</td>
<td>4000</td>
<td>5100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the district's General Fund.
- Resource 6690 is TUPE: Grades Six Through Twelve.
- **Project Year** is not applicable in this example.
- **Goal 1110** is Regular Education, K–12 because the Friday Night Live program targets regular education students.
- **Function 4000** is Ancillary Services.
- **Object 5100** is Subagreements for Services.
- **School** is not required.
Procedure 750  Pass-Through Grants and Cooperative Projects

(c) The COE operates the Friday Night Live program using the funds received from the districts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9150</td>
<td>0</td>
<td>7110</td>
<td>4000</td>
<td>1200</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 9150 is a locally defined restricted code for the Friday Night Live contract. Resource 9150 rolls up to Resource 9010, Other Local, when data are submitted to CDE at year-end.
- Project Year is not applicable in this example.
- Goal 7110 is Nonagency—Educational. The money of another entity is used to provide services on behalf of that entity, not on behalf of its own student population.
- Function 4000 is Ancillary Services.
- Object 1200 is Certificated Pupil Support Salaries.
- School is not required.

The districts have no further entries because they have spent their grants.

When the COE spends its own TUPE money administering the districts' TUPE programs, the TUPE resource is retained.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6680</td>
<td>0</td>
<td>8600</td>
<td>2100</td>
<td>2400</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 6680 is TUPE: COE Administrative Grants.
- Project Year is not applicable in this example.
- Goal 8600 is County Service to Districts.
- Function 2100 is Instructional Supervision and Administration.
- Object 2400 is Clerical, Technical, and Office Staff Salaries.
- School is not required.

(d) At year-end, not all funds have been spent, and the remaining funds are carried over into the next year. The terms of the contract with the districts allow carryover only into the following year; money not spent in the following year must be returned to the districts.
Procedure 750  Pass-Through Grants and Cooperative Projects

The COE books deferred revenue as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9150</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>9650</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 9150 is a locally defined restricted code for the Friday Night Live contract. Resource 9150 rolls up to Resource 9010, Other Local, when data are submitted to CDE at year-end.
- Project Year is not applicable in this example.
- Goal is not required for balance sheet accounts.
- Function is not required for balance sheet accounts.
- Object 9650 is Deferred Revenue.
- School is not required.
Procedure 750  Pass-Through Grants and Cooperative Projects

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Special Education

Special education budgets are complex and are of great interest to the public, both locally and statewide. Education Code Section 56205(b)(1) requires that a special education budget shall separately identify the following elements. This identification is facilitated by the fields of the standardized account code structure (SACS).

1. Apportionment received by the local educational agency (LEA) in accordance with the allocation plan adopted by the Special Education Local Plan Area (SELPA). (The state funding is tracked in SACS in the resource field in combination with a specific revenue code in the object field.)
2. Administrative costs of the plan. (These costs are tracked in the function field.)
3. Costs of special education services to pupils with severe disabilities and low-incidence disabilities. (This population is identified by the goal field.)
4. Costs of special education services to pupils with nonsevere disabilities. (This population is identified by the goal field.)
5. Costs of supplemental aids and services provided to meet the individual needs of pupils placed in regular education classrooms and environments. (Costs of these aids and services, which may be provided to both severe and nonsevere students, are tracked in the function field.)
6. Costs of regionalized operations and services and direct instructional support by program specialists in accordance with Part 30, Chapter 7.2, Article 6, of the Education Code, Program Specialists and Administration of Regionalized Operations and Services. (These costs are tracked in the goal field for regionalized operations and in the function field for instructional services.)
7. Use of property taxes allocated to the SELPA pursuant to Education Code Section 2572. (Property taxes allocated to the SELPA are tracked in the resource field and identified by a specific revenue code in the object field.)

Maintenance of Effort

Funds provided under Part B of the federal Individuals with Disabilities Education Act (IDEA) are subject to a maintenance of effort (MOE) requirement. This is stipulated in Section 1413 of Title 20 of the United
States Code, Title 34, Section 300.203 of the Code of Federal Regulations, and Education Code Section 56205.

The MOE requirement is that Part B IDEA funds shall not be used, except in specified situations, to reduce the level of expenditures for the education of children with disabilities made by the LEA from state and local funds or from local funds only, below the prior year's level. This test must be met on either an aggregate or a per capita basis.

Special Education Local Plan Area (SELPA)

All school districts and county offices of education are required to be members of one or more consortiums formed in geographical regions of sufficient size and scope to provide for the special education service needs of all the children residing within the region boundaries. Each region, known as a Special Education Local Plan Area or SELPA, develops a local plan describing how it will provide special education services.

SELPA structures vary in form. They include:

- Multi-District SELPAs
- Multi-District/County Office SELPAs
- Single District SELPAs
- Multi-District/Multi-County SELPAs
- Countywide SELPAs with Joint Powers Arrangements

Each SELPA has an Administrative Unit (AU), a member LEA that receives funds on behalf of the SELPA, distributes those funds to member LEAs in accordance with the local plan, and is responsible for seeing that every eligible child receives appropriate services.

SELPA AU Pass-Through Activities

The AU typically has certain financial transactions relating to its receipt and pass-through of revenues to other member LEAs that most other LEAs do not have. Were these transactions included in the AU’s general fund, they could impair meaningful comparison of LEA data by making the AU’s per-pupil revenues appear distorted in comparison to those of otherwise-similar LEAs. Accordingly, AUs that receive special education pass-through revenues and that have administrative involvement in
allocating and distributing those revenues to other member LEAs are required to use the Special Education Pass-Through Fund (Fund 10 in SACS), rather than their general fund, for special education pass-through transactions.

By definition, most AUs do have administrative involvement in the pass-through of special education revenues and should use Fund 10. A rare exception is an AU that serves purely as a cash conduit in receiving special education revenues and relaying them directly to a joint powers agency (JPA), where the JPA then performs all other AU services including allocation of the funds to member LEAs. AUs that serve purely as cash conduits, and AUs of single-district SELPAs that receive no pass-through revenues for any other LEAs, do not use Fund 10. A JPA that receives and passes through revenues to other member LEAs as described in this paragraph uses Fund 10 and the entries in this procedure.

Fund 10 is used only for pass-through revenues. Special education pass-through revenues are those revenues received by the AU on behalf of the SELPA for distribution to other member LEAs in accordance with the local plan. Such revenues typically include state special education apportionments, federal local assistance under the Individuals with Disabilities Education Act, the portion of a COE’s local property taxes restricted to special education, federal preschool funding, and state mental health funding.

Special education revenues that are not passed through to other member LEAs, but rather are retained for use by the AU in accordance with the local plan, are not accounted for in Fund 10. These revenues and the related expenditures are operational in nature and are accounted for in the AU’s own general fund.

Interfund transfers are not used in Fund 10. Reallocation of balances between the general fund and Fund 10 are made by adjusting current year revenue transactions. Ending fund balances may exist in Fund 10 because the amount of pass-through revenue received may not match the amount passed through to other member LEAs due to various local factors such as

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1 “Administrative involvement” is defined in Governmental Accounting Standards Board (GASB) Statement 24 and in Procedure 750 of this manual. When a recipient agency has either administrative or direct financial involvement in a pass-through grant, the pass-through transactions must be reported by the recipient agency in a governmental fund, proprietary fund, or trust fund.
agreements for reserves to be maintained by the SELPA AU or timing differences relating to when amounts are passed through.

Recording Special Education Transactions

For state reporting, LEAs use the goal field to report direct special education costs for different objectives, such as the costs of providing services to infants or to severely disabled students from ages five through twenty-two. The costs are further broken down by the type of instructional service provided, such as special education instruction in separate classes, using the function field.

Shown below are discussions of how certain special education transactions are accounted for. Later in this section, examples of transactions are given to illustrate the accounting entries.

1. Salaries of certificated employees providing other specialized instructional services are recorded in Function 1190, Special Education: Other Specialized Instructional Services, with Object 1100, Certificated Teachers' Salaries.

2. Salaries of instructional aides are recorded in the special education instructional functions 1100–1199, except 1180, with Object 2100, Classified Instructional Salaries. If a classified employee provides other support services, that cost should be coded to a support function with Object 2200, Classified Support Salaries.

3. Administrative costs of the SELPA AU are recorded either in Function 2100, Instructional Supervision and Administration, or Function 2200, Administrative Unit of Multidistrict SELPA. Activities of the AU of a single-district SELPA are reported under Function 2100, while activities of the AU of a multidistrict SELPA are reported under Function 2200. A school district or county superintendent of schools may be the AU.

4. Salaries of a program specialist providing regionalized services as defined by Education Code Section 56836.23 are recorded in Goal 5060, Regionalized Program Specialist, with Function 2100, Instructional Supervision and Administration, and Object 1900, Other Certificated Salaries.
Salaries of a program specialist not providing regionalized services but instead working locally with students as a support to teachers are recorded in Function 2100, Instructional Supervision and Administration, with the appropriate special education goal, and Object 1900, Other Certificated Salaries.

5. Apportionments for regionalized operations and services and the direct instructional support of program specialists are made directly to the AU. These apportionments are recorded by the AU using Object 8311, Other State Apportionments—Current Year (or Object 8319, Other State Apportionments—Prior Year).

The AU, by agreement, may transfer these apportionments to a member agency. It can do the transfer in one of two ways: by transferring to the other LEA the responsibility for providing regionalized services or by contracting with the other LEA to provide the services while retaining the responsibility for providing the services.

*Method 1—Transferring to Another LEA the Responsibility for Providing Regionalized Services*

An AU transferring to another LEA the responsibility for providing regionalized services records the receipt of the apportionments in Fund 10 using Object 8311 or Object 8319, and records the transfer as a transfer of apportionments in Fund 10 using Function 9200, Transfers Between Agencies, and the transfers of apportionments object, such as Object 7221, Transfers of Apportionments to Districts or Charter Schools; Object 7222, Transfers of Apportionments to County Offices; or Object 7223, Transfers of Apportionments to JPAs.

The LEA receiving the apportionment under this arrangement records the revenues in Resource 6500, Special Education, in the appropriate special education goals, with a transfer of apportionments object, such as Object 8791, Transfers of Apportionments from Districts or Charter Schools; or Object 8792, Transfers of Apportionments from County Offices. The expenditures are recorded in the same goals as the revenues, in Function 2100, Instructional Supervision and Administration, and in the appropriate object (e.g., Object 1300, Certificated Supervisors’ and Administrators’ Salaries).
Procedure 755  Special Education

See Example 8 later in this procedure for a coding example for this type of transaction.

Method 2—Contracting with Another LEA to Provide Regionalized Services while Retaining the Responsibility for Providing the Services

An AU contracting with another LEA to provide regionalized services while retaining the responsibility for providing the services records the receipt of the apportionments in the general fund using Object 8311 or Object 8319, and records the payments to the other LEA as payments for contracted services, also in the general fund. The AU records these payments in Object 5100, Subagreements for Services, still in Resource 6500 with a special education goal (e.g., Goal 5xxx), and an appropriate expenditure function.

The LEA providing the services under the contract does not record the revenues and expenditures in the special education resource or a special education goal but in Resource 9010, Other Restricted Local (or a locally defined resource), and Goal 7110, Nonagency—Educational (use of this goal in this revenue transaction is optional; otherwise, use Goal 0000), with Object 8677, Interagency Services Between LEAs. It records expenditures in Goal 7110, Nonagency—Educational (whether or not Goal 7110 was used for the revenue), Function 2100, Instructional Supervision and Administration, and the appropriate objects for salaries, benefits, and supplies.

See Example 11 later in this procedure for a coding example for this type of transaction.

6. Apportionments for other than regionalized services may be allocated to districts and county offices of education in accordance with the allocation plan adopted pursuant to Education Code Section 56836.05 unless the allocation plan specifies that funds will be apportioned to the AU (Education Code Section 56195.7).

Method 1—Special Education Apportionment Allocated to the Administrative Unit (AU):
If the SELPA has elected for the apportionments to be made to the AU, the AU records the receipt of apportionment and the transfer of funds to the members basically in the same manner as recording the transfer of apportionments for program specialists and regionalized services, where the AU also transfers to the member LEA the responsibility for providing regionalized services, as discussed in Item 5, Method 1.

The member LEA records the receipt of these moneys from the AU and the expenditures basically in the same manner as discussed in that part of Item 5, Method 1.

See Example 8 later in this procedure for a coding example for this type of transaction.

**Method 2—Special Education Apportionment Allocated to Districts and County Superintendents of Schools**

If the SELPA has opted for special education apportionments (other than for regionalized services) to be made directly to the member agencies, each district or county office records the apportionment as Resource 6500, Special Education, an appropriate special education goal, such as Goal 5001, Special Education—Unspecified, and Object 8311, Other State Apportionments—Current Year.

A district, county office, or JPA billing for and receiving payment for special education excess costs or deficits, or payments for special education transportation excess costs or deficits, records the revenue received as Object 8710, Tuition, with the appropriate special education resource and an appropriate special education goal.

The LEA paying the excess costs or deficits records the payment with an appropriate resource, a special education goal, Function 9200, Transfers Between Agencies, and Object 7141, Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Schools; Object 7142, Other Tuition, Excess Costs, and/or Deficit Payments to County Offices; or Object 7143, Other Tuition, Excess Costs, and/or Deficit Payments to JPAs.
Procedure 755  Special Education

8. A district or county office receiving the federal Individuals with Disabilities Education Act (IDEA) basic local assistance revenue records the revenue in Resource 3310, IDEA Basic Local Assistance Entitlement, Part B, with a special education goal, in Object 8181, Special Education—Entitlement, and records the expenditures in Resource 3310, with the appropriate special education goals, functions, and objects.

9. A district or county office that receives a federal IDEA grant-in-aid for approved special projects records the revenue as Object 8182, Special Education—Discretionary Grants, with the appropriate resource and the appropriate special education goal.

10. Any AU receiving federal IDEA money of either the local assistance entitlement or a discretionary grant that is to be distributed to a district or county office records the revenue to be passed to member LEAs in Fund 10 as Object 8287, Pass-Through Revenues from Federal Sources, with the appropriate resource and Goal 5001, Special Education—Unspecified.

   The AU distributes these funds, using the appropriate resource, the appropriate special education goal, Function 9200, Transfers Between Agencies, and Object 7211, Transfers of Pass-Through Revenues to Districts or Charter Schools; Object 7212, Transfers of Pass-Through Revenues to County Offices; or Object 7213, Transfers of Pass-Through Revenues to JPAs.

   See Example 9 later in this procedure for a coding example for this type of transaction.

The following are examples of recording revenues received and expenditures incurred to educate special education students. The illustration of which codes to use for these transactions has been simplified. Only one side of the accounting entry is shown; in actual entries, the debit(s) must equal the credit(s).

Sample Journal Entries

   Example 1: Splitting an Employee's Costs Between Functions
Procedure 755  Special Education

A teaching assistant is hired to work half a day in a separate class for severely disabled children and half a day in assisting a severely disabled student who has been mainstreamed in a regular education class.

Because the teaching assistant is working solely with severely disabled students, his salary has one goal. However, his work is split between two functions.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1110</td>
<td>2100</td>
<td>000</td>
</tr>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1130</td>
<td>2100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
- Project Year is not required in this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled.
- Function 1110, Special Education: Separate Classes, captures the costs of running a separate class for severely disabled students; and Function 1130, Special Education: Supplemental Aids and Services in Regular Classrooms, captures the costs of providing a teaching assistant for a student who attends a regular education class.
- Object 2100 is Classified Instructional Salaries.
- School is not required.

Example 2: Splitting an Employee's Salary Between Goals

An adaptive physical education teacher is hired to provide physical education classes for special education students attending regular education classes on several campuses and for students attending special education separate classes. Some of the students are categorized as severely disabled, others as nonseverely disabled. The teacher's salary is split between two goals because two populations of students are served.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1190</td>
<td>1100</td>
<td>000</td>
</tr>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5770</td>
<td>1190</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
Procedure 755  Special Education

- Project Year is not required in this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled, and Goal 5770 is Special Education, Ages 5–22 Nonseverely Disabled. (The salary may be coded instead to one goal during the year and split between the goals at year-end when the ratio of service to severely and nonseverely disabled students is documented.)
- Function 1190 is Special Education: Other Specialized Instructional Services. This function includes pullout services that may be provided to students who are normally found in separate classes or regular education classes.
- Object 1100 is Certificated Teachers' Salaries.
- School is not required.

Example 3: Costs for Special Education Students in Regular Education Classrooms

A student who has a low-incidence disability has been placed in a juvenile court school. His individualized education program (IEP) necessitates the presence of an interpreter and the services of a resource specialist. The following services are being provided by different resources and for different populations. The cost of the teacher in the juvenile court school is chargeable to regular education; the costs of the interpreter and the resource specialist are chargeable to special education.

The cost of the juvenile court school teacher is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>2400</td>
<td>0</td>
<td>3600</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 2400 is Juvenile Court/County Community Schools.
- Project Year is not required in this example.
- Goal 3600, Juvenile Courts, identifies the costs of educating juvenile court school students.
- Function 1000 is Instruction. General education teachers are coded to the general population they are contracted to teach. A special education student who attends a regular education class is considered a part of the general education class.
- Object 1100 is Certificated Teachers' Salaries.
Procedure 755  Special Education

- **School** is not required.

The cost of the interpreter assigned to the student who has an IEP and has been placed in the juvenile court classroom is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1130</td>
<td>2100</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 6500** is Special Education.
- **Project Year** is not applicable in this example.
- **Goal 5750** is Special Education, Ages 5–22 Severely Disabled. (Students with a low-incidence disability are classified as severely disabled. The LEA may have locally defined goals to separate low-incidence disabilities from other severe disabilities if management needs to identify these costs locally.)
- **Function 1130** is Special Education: Supplemental Aids and Services in Regular Classrooms.
- **Object 2100** is Classified Instructional Salaries. (The LEA may have locally defined objects if it is important to track the costs of interpreters separately from those of classroom assistants.)
- **School** is not required.

The cost of the resource specialist who works with this student on a pullout basis is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1120</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 6500** is Special Education.
- **Project Year** is not applicable in this example.
- **Goal 5750** is Special Education, Ages 5–22 Severely Disabled. (Students with a low-incidence disability are classified as severely disabled students. The LEA may have locally defined goals to separate low-incidence disabilities from other severe disabilities if management needs to identify these costs locally.)
- **Function 1120** is Special Education: Resource Specialist Instruction. This is a resource specialist who works directly with the students in an instructional setting.
Procedure 755 Special Education

- Object 1100 is Certificated Teachers' Salaries.
- School is not required.

Example 4: Costs for Special Education Students in a Regional Occupational Center/Program (ROCP)

Some special education students are in transition, going from the special education K–12 program into the adult workforce. The students have been placed in an ROCP class, where they receive training at a fast-food business supplemented with ROCP classes. The cost of the ROCP instructor is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6360</td>
<td>0</td>
<td>6000</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the school district's General Fund.
- Resource 6360 is Pupils with Disabilities Attending ROCP.
- Project Year is not applicable in this example.
- Goal 6000 is Regional Occupational Center/Program.
- Function 1000 is Instruction.
- Object 1100 is Certificated Teachers' Salaries.
- School is not required.

The cost of a teaching assistant assigned to the special education students to enable them to participate in the ROCP class is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5770</td>
<td>1130</td>
<td>2100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the school district's General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5770 is Special Education, Ages 5–22 Nonseverely Disabled.
- Function 1130 is Special Education: Supplemental Aids and Services in Regular Classrooms.
- Object 2100 is Classified Instructional Salaries.
- School is not required.
Example 5: Costs of Instruction Provided on a Pullout Basis

An orientation and mobility (O & M) specialist is hired to teach students how to travel safely and independently around the school and in the community. He or she works with blind students who attend regular classes at the elementary and high schools. This service is provided on a pullout basis. The O & M specialist has a teaching credential and is trained to teach special education students.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1190</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled, which includes students with a low-incidence disability.
- Function 1190 is Special Education: Other Specialized Instructional Services. This function includes pullout services that may be provided to students who are normally found in separate classes or regular education classes.
- Object 1100 is Certificated Teachers' Salaries.
- School is not required.

Example 6: Costs of Pupil Services

A counselor is hired to provide special education students with behavior management services, a systematic implementation of procedures designed to promote lasting, positive changes in the students' behavior, resulting in greater access to a variety of community settings, social contacts, and public events, and placement in the least restrictive environment. The counselor is a licensed professional with a certificate for school service. The salary is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>3110</td>
<td>1200</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
Procedure 755  Special Education

- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled.
- Function 3110 is Guidance and Counseling Services.
- Object 1200 is Certificated Pupil Support Salaries.
- School is not required.

The students receiving this behavior modification training are enrolled in a separate class for severely emotionally disabled students or autistic students. This class is taught by a special education teacher who works with the counselor to apply the behavior modification procedures in the classroom. The cost of the teacher is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1110</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled.
- Function 1110 is Special Education: Separate Classes.
- Object 1100 is Certificated Teachers' Salaries.
- School is not required.

**Example 7: Costs Related to Federal Resources**

(a) Funds from the Individuals with Disabilities Education Act (IDEA) basic local assistance entitlement were used to pay a classified assistant to work with students who are in transition from K–12 special education into gainful employment in local businesses.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>3310</td>
<td>7</td>
<td>5750</td>
<td>1190</td>
<td>2100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the school district's General Fund.
- Resource 3310 is Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611.
Procedure 755  Special Education

- Project Year refers to the report year for this program; 7 in this case stands for federal fiscal year 2006-07, which ended September 30, 2007.
- Goal 5750 is Special Education, Ages 5-22 Severely Disabled.
- Function 1190 is Special Education: Other Specialized Instructional Services. The student has been transferred from a regular or separate classroom to a work site or other setting.
- Object 2100 is Classified Instructional Salaries.
- School is not required.

(b) An LEA uses IDEA basic local assistance entitlement funds to purchase assistive technology for a student who will use the computer to communicate with teachers and peers in a regular education classroom.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>3310</td>
<td>7</td>
<td>5750</td>
<td>1130</td>
<td>6400</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 3310 is Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611.
- Project Year refers to the report year for this program; 7 in this case stands for federal fiscal year 2006-07, which ended September 30, 2007.
- Goal 5750 is Special Education, Ages 5-22 Severely Disabled.
- Function 1130 is Special Education: Supplemental Aids and Services in Regular Classrooms. The equipment is an aid to the student in a regular classroom.
- Object 6400 is Equipment.
- School is not required.

Example 8: A County Office, as the AU, Receives the State Apportionment and Transfers It to Member LEAs.

The local plan provides that $10,000 will be used by the AU and $90,000 will be passed through.

(a) As the AU, the county office records the receipt of the state apportionment of $100,000.
Procedure 755  Special Education

$10,000 for the AU’s own operations:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8311</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 6500** is Special Education.
- **Project Year** is not applicable in this example.
- **Goal 5001** is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- **Function** is not necessary for revenue.
- **Object 8311** is Other State Apportionments—Current Year.
- **School** is not required.

$90,000 for pass-through to other member LEAs:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8311</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 10** is the Special Education Pass-Through Fund.
- **Resource 6500** is Special Education.
- **Project Year** is not applicable in this example.
- **Goal 5001** is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- **Function** is not necessary for revenue.
- **Object 8311** is Other State Apportionments—Current Year.
- **School** is not required.

(b) The AU distributes the apportionment of $90,000 to the other member LEAs, which in this case includes another county office.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7221</td>
<td>000</td>
</tr>
<tr>
<td>10</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7222</td>
<td>000</td>
</tr>
<tr>
<td>10</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7223</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 10** is the Special Education Pass-Through Fund.
Resource 6500 is Special Education.
Project Year is not applicable in this example.
Goal 5001 is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
Function 9200 is Transfers Between Agencies.
Object 7221 is Transfers of Apportionments to Districts or Charter Schools; Object 7222 is Transfers of Apportionments to County Offices; and Object 7223 is Transfers of Apportionments to JPAs.
School is not required.

(c) The member LEA (in this case a school district) makes the following entry to record receipt of apportionment from the AU (in this case a county office):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8792</td>
<td>000</td>
</tr>
</tbody>
</table>

Fund 01 is the school district's General Fund.
Resource 6500 is Special Education.
Project Year is not applicable in this example.
Goal 5001 is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
Function is not required for revenue.
Object 8792 is Transfers of Apportionments from County Offices. In this case, the AU is a county office of education.
School is not required.

Example 9: A County Office, as the AU, Receives the Federal IDEA Grant and Transfers It to Member LEAs.

The local plan provides that $20,000 will be used by the AU and $60,000 will be passed through.

(a) As the AU, the county office records the receipt of the federal grant of $80,000.

$20,000 for the AU’s own operations:
Procedure 755  Special Education

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>3310</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8181</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 3310** is Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611.
- **Project Year** refers to the report year of this program; 0 in this case stands for federal fiscal year 2009–10, which ended September 30, 2010.
- **Goal 5001** is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- **Function** is not necessary for revenue.
- **Object 8181** is Special Education—Entitlement.
- **School** is not required.

**$60,000 for pass-through to other member LEAs:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>3310</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8287</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 10** is the Special Education Pass-Through Fund.
- **Resource 3310** is Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611.
- **Project Year** refers to the report year of this program; 0 in this case stands for federal fiscal year 2009–10, which ended September 30, 2010.
- **Goal 5001** is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- **Function** is not necessary for revenue.
- **Object 8287** is Pass-Through Revenues from Federal Sources.
- **School** is not required.

(b) The AU distributes the federal grant of $60,000 to the other member LEAs, which in this case includes another county office.
**Procedure 755  Special Education**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>3310</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7211</td>
<td>000</td>
</tr>
<tr>
<td>10</td>
<td>3310</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7212</td>
<td>000</td>
</tr>
<tr>
<td>10</td>
<td>3310</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7213</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 10** is the Special Education Pass-Through Fund.
- **Resource 3310** is Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611.
- **Project Year** refers to the report year of this program; 0 in this case stands for federal fiscal year 2009–10, which ended September 30, 2010.
- **Goal 5001** is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- **Function 9200** is Transfers Between Agencies.
- **Object 7211** is Transfers of Pass-Through Revenues to Districts or Charter Schools; **Object 7212** is Transfers of Pass-Through Revenues to County Offices; and **Object 7213** is Transfers of Pass-Through Revenues to JPAs.
- **School** is not required.

(c) The member LEA (in this case a school district) makes the following entry to record receipt of the federal grant from the AU (in this case a county office):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>3310</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8181</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the school district's General Fund.
- **Resource 3310** is Special Ed: IDEA Basic Local Assistance Entitlement, Part B, Sec 611.
- **Project Year** refers to the report year of this program; 0 in this case stands for federal fiscal year 2009–10, which ended September 30, 2010.
- **Goal 5001** is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- **Function** is not required for revenue.
- **Object 8181** is Special Education—Entitlement.
- **School** is not required.
**Example 10: A County Office, as the AU, Receives State Revenue Other Than the State Apportionment and Transfers It to Member LEAs.**

The local plan provides that $5,000 will be used by the AU and $45,000 will be passed through.

(a) As the AU, the county office records the receipt of the state revenue of $50,000 (in this case, the state revenue is Special Education—Mental Health Services).

**$5,000 for the AU’s own operations:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8590</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5001 is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- Function is not necessary for revenue.
- Object 8590 is All Other State Revenue.
- School is not required.

**$45,000 for pass-through to other member LEAs:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8587</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 10 is the Special Education Pass-Through Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5001 is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- Function is not necessary for revenue.
Procedure 755  Special Education

- Object 8587 is Pass-Through Revenues from State Sources.
- School is not required.

(b) The AU distributes the state revenue of $45,000 to the other member LEAs, which in this case includes another county office.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7211</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 10 is the Special Education Pass-Through Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5001 is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- Function 9200 is Transfers Between Agencies.
- Object 7211 is Transfers of Pass-Through Revenues to Districts or Charter Schools; Object 7212 is Transfers of Pass-Through Revenues to County Offices; and Object 7213 is Transfers of Pass-Through Revenues to JPAs.
- School is not required.

(c) The member LEA (in this case a school district) makes the following entry to record receipt of state revenue from the AU (in this case a county office):

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>0000</td>
<td>8590</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the school district's General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5001 is Special Education—Unspecified. A special education goal is required for special education revenue (but not for other revenues).
- Function is not required for revenue.
- Object 8590 is All Other State Revenue.
Procedure 755   Special Education

- School is not required.

**Example 11: A County Office, as the AU, Receives the Apportionment for Regionalized Services and Then Contracts with a Member District to Provide Regionalized Services.**

(a) The county office, as the AU, records payment on a contract with a district to provide regionalized services, in this case to coordinate curriculum development.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5050</td>
<td>2130</td>
<td>5100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5050 is Regionalized Services.
- Function 2130 is Curriculum Development.
- Object 5100 is Subagreements for Services.
- School is not required.

(b) The district records the interagency revenue from the AU.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9010</td>
<td>0</td>
<td>7110</td>
<td>0000</td>
<td>8677</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 9010 is Other Restricted Local, in this case a contract with another LEA.
- Project Year is not applicable in this example.
- Goal 7110 is Nonagency—Educational. (Use of this goal for a revenue transaction is optional; it will enable the LEA to match contract revenue with the contract expenditures.)
- Function is not required for revenue.
- Object 8677 is Interagency Services between LEAs.
- School is not required.

(c) As part of this contract, the district pays a program specialist who provides regionalized services to members of the SELPA.
Procedure 755  Special Education

- Fund 01 is the General Fund.
- Resource 9010 is Other Restricted Local.
- Project Year is not applicable in this example.
- Goal 7110 is Nonagency—Educational.
- Function 2100 is Instructional Supervision and Administration.
- Object 1900 is Other Certificated Salaries.
- School is not required.

Example 12: A County Office, as the AU, Receives Interest Earned on Special Education Balances.

The AU receives a total of $200 interest ($50 on the special education balances maintained in the general fund, and $150 on the special education balances maintained in the special education pass-through fund).

(a) Where there is a local agreement that the AU will distribute interest earned on balances in the pass-through fund to the member LEAs, the interest is posted between the general fund and the special education pass-through fund.

$50 interest earned on the general fund balance:

- Fund 01 is the County School Service Fund.
- Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal is not required for revenue except for special education revenues.
- Function is not necessary for revenue.
- Object 8660 is Interest.
- School is not required.
Procedure 755  Special Education

$150 interest earned on the special education pass–through fund balance:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8660</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 10 is the Special Education Pass-Through Fund.
- Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal is not required for revenue except for special education revenues.
- Function is not necessary for revenue.
- Object 88660 is Interest.
- School is not required.

The AU distributes the $150 interest earned to other member LEAs, which in this case includes another county office.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9200</td>
<td>7281</td>
<td>000</td>
</tr>
<tr>
<td>10</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9200</td>
<td>7282</td>
<td>000</td>
</tr>
<tr>
<td>10</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>9200</td>
<td>7283</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 10 is the Special Education Pass-Through Fund.
- Resource 0000 is Unrestricted.
- Project Year is not applicable in this example.
- Goal is not required for revenue except for special education revenues.
- Function 9200 is Transfers Between Agencies.
- Object 7281 is All Other Transfers to Districts or Charter Schools; Object 7282 is All Other Transfers to County Offices; and Object 7283 is All Other Transfers to JPAs.
- School is not required.

A member LEA (in this case a school district) receives interest from the AU (in this case a county office).

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8782</td>
<td>000</td>
</tr>
</tbody>
</table>
Procedure 755  Special Education

- **Fund 01** is the school district’s General Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not applicable in this example.
- **Goal** is not required for revenue except for special education revenues.
- **Function** is not required for revenue.
- **Object 8782** is All Other Transfers from County Offices. In this case, the AU is a county office of education.
- **School** is not required.

(b) Where there is a local agreement that the AU will not distribute interest earned on balances in the pass-through fund to member LEAs, the entire $200 is posted to the general fund for the AU’s operational purposes:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>000</td>
<td>0000</td>
<td>8660</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 0000** is Unrestricted.
- **Project Year** is not applicable in this example.
- **Goal** is not required for revenue except for special education revenues.
- **Function** is not required for revenue.
- **Object 8660** is Interest.
- **School** is not required.

**Example 13: A School District, a Member of a SELPA, Makes Payments to Another Entity for a Special Education Student’s Education.**

(a) The district makes payments to a State Special School using unrestricted resources².

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
</table>

² NOTE: Resource 6500, Special Education, could be used to record this payment.
Procedure 755   Special Education

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>0000</td>
<td>0</td>
<td>5001</td>
<td>9200</td>
<td>7130</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 0000 is Unrestricted Resource.
- Project Year is not applicable in this example.
- Goal 5001 is Special Education—Unspecified.
- Function 9200 is Transfers Between Agencies.
- Object 7130 is State Special Schools.
- School is not required.

(b) The district makes payments to a nonpublic school for a severely disabled student's education.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>1180</td>
<td>5100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled.
- Function 1180 is Special Education: Nonpublic Agencies/Schools.
- Object 5100 is Subagreements for Services.
- School is not required.

(c) A school district pays excess costs for a program run by the SELPA.

(1) The AU (a county office of education) bills the district for excess costs. The revenue is coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>0000</td>
<td>8710</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the County School Service Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable for this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled.
- Function is not required for revenue or balance sheet accounts.
- Object 8710 is Tuition.
Procedure 755 Special Education

- School is not required.
  
  (2) The school district pays the AU its share of excess costs of the program per the local plan agreement.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5750</td>
<td>9200</td>
<td>7142</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the district's General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable for this example.
- Goal 5750 is Special Education, Ages 5–22 Severely Disabled.
- Function 9200 is Transfers Between Agencies.
- Object 7142 is Other Tuition, Excess Costs, and/or Deficit Payments to County Offices.
- School is not required.

Example 14: Identifying Administrative Costs

(a) The AU of a multidistrict SELPA pays its director.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>2200</td>
<td>1300</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the General Fund.
- Resource 6500 is Special Education.
- Project Year is not applicable in this example.
- Goal 5001 is Special Education—Unspecified.
- Function 2200 is Administrative Unit of a Multidistrict SELPA.
- Object 1300 is Certificated Supervisors' and Administrators' Salaries.
- School is not required.

(b) A district charges its special education programs its indirect cost rate as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6500</td>
<td>0</td>
<td>5001</td>
<td>7210</td>
<td>7310</td>
<td>000</td>
</tr>
</tbody>
</table>
• Fund 01 is the General Fund.
• Resource 6500 is Special Education.
• Project Year is not applicable in this example.
• Goal 5001 is Special Education—Unspecified.
• Function 7210 is Indirect Cost Transfers.
• Object 7310 is Transfers of Indirect Costs.
• School is not required.
The ROCP program is different from regular instructional programs in that *Education Code* Section 52301 allows two or more school districts to form a joint powers agency (JPA) to provide ROCP vocational training.

The California Department of Education (CDE) apportions ROCP funding to school districts and county offices of education on the basis of their ROCP average daily attendance (ADA). The school districts and county offices of education may then provide ROCP instruction themselves or contract for services or transfer the apportionment to JPAs to provide ROCP instruction. School districts, county offices of education, and joint powers agencies have structured their ROCP instruction in a variety of ways in California to meet local needs for ROCP education.

The following examples of coding address the various forms of interagency agreements between LEAs:

**Example 1: Both a County Office of Education (COE) and School Districts Receive Funding Based on ROCP ADA Reported to CDE.**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6350</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8311</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the General Fund or the County School Service Fund.
- **Resource 6350** is ROCP Apportionment.
- **Project Year** is not applicable in this example.
- **Goal** is not required for revenue. **Goal 6000**, Regional Occupational Center/Program, may be used for local purposes.
- **Function** is not necessary for revenue.
- **Object 8311** is Other State Apportionments—Current Year.
Procedure 760  Regional Occupational Centers/Programs (ROCPs)

- **School** is not required.

**Example 2: A COE Contracts with a School District to Operate an Auto-Body Class for the County ROCP Program.**

(a) The COE makes the following entry to record payment of the contract for services. The COE retains full administrative and financial authority over the program.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6350</td>
<td>0</td>
<td>6150</td>
<td>1000</td>
<td>5100</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the County School Service Fund.
- **Resource 6350** is ROCP Apportionment.
- **Project Year** is not applicable in this example.
- **Goal 6150** is a locally defined classification for trade and industry classes. LEAs have the option of tracking ROCP subject matter in the goal field as long as it rolls up to Goal 6000 when data are submitted to CDE at year-end.
- **Function 1000** is Instruction.
- **Object 5100** is Subagreements for Services.
- **School** is not required.

(b) The school district makes the following entry to record receipt of funds to operate the shop class. The district is performing a contract service on behalf of the COE and does not report the ADA as its own.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9635</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8677</td>
<td>000</td>
</tr>
</tbody>
</table>

- **Fund 01** is the district's General Fund.
- **Resource 9635** is a unique code the district is using for its ROCP contract. This and other local restricted resources must roll up to Resource 9010, Other Local, when data are submitted to CDE.
- **Project Year** is not applicable in this example.
- **Goal** is not required for revenue.
- **Function** is not required for revenue.
- **Object 8677** is Interagency Services Between LEAs.
- **School** is not required.
(c) The district expenditures for the shop class are coded as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9635</td>
<td>0</td>
<td>7110</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the district's General Fund.
- Resource 9635 is the district's code for the contract.
- Project Year is not applicable in this example.
- Goal 7110 is Nonagency—Educational. The district's expenditures are made on behalf of the COE, which retains the final responsibility for the ROCP class.
- Function 1000 is Instruction.
- Object 1100 is Certificated Teachers' Salaries.
- School is not required.

Example 3: Participating School Districts Transfer Their Apportionments to the Joint Powers Agency (JPA) Operating the ROCP.

Pursuant to Education Code Section 52301, school districts may form a JPA to operate ROCPs, and the Education Code section allows the JPA to receive the apportionments through the participating districts.

(a) The districts transfer their apportionment to the JPA.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6350</td>
<td>0</td>
<td>0000</td>
<td>9200</td>
<td>7223</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the district's General Fund.
- Resource 6350 is ROCP Apportionment.
- Project Year is not applicable in this example.
- Goal 0000 is Undistributed. Goal 6000, ROCP, may be used for local identification.
- Function 9200 is Transfers Between Agencies.
- Object 7223 is Transfers of Apportionments to JPAs.
- School is not required.
Procedure 760 Regional Occupational Centers/Programs (ROCPs)

(b) The JPA receives the transfer of apportionment.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6350</td>
<td>0</td>
<td>0000</td>
<td>0000</td>
<td>8791</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the JPA's General Fund.
- Resource 6350 is ROCP Apportionment.
- Project Year is not applicable in this example.
- Goal is not required for revenue.
- Function is not required for revenue.
- Object 8791 is Transfers of Apportionments from Districts or Charter Schools.
- School is not required.

c) The JPA operates various ROCP classes. For example, the JPA operates an auto-body class and has designated a locally defined goal to track the class.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Resource</th>
<th>Project Year</th>
<th>Goal</th>
<th>Function</th>
<th>Object</th>
<th>School</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>6350</td>
<td>0</td>
<td>6150</td>
<td>1000</td>
<td>1100</td>
<td>000</td>
</tr>
</tbody>
</table>

- Fund 01 is the JPA's General Fund.
- Resource 6350 is ROCP Apportionment.
- Project Year is not applicable in this example.
- Goal 6150 is the JPA's code for trade and industry classes. LEAs have the option of tracking ROCP subject matter in the goal field as long as it rolls up to Goal 6000 when data are submitted to CDE at year-end.
- Function 1000 is Instruction.
- Object 1100 is Certificated Teachers' Salaries.
- School is not required.
Common accounting challenges LEAs face are distinguishing between supplies and equipment, between equipment and improvements of grounds, and between equipment and building fixtures or service systems. LEAs must correctly identify each item if they are to achieve the necessary uniformity of accounting.

Basics of Supplies, Noncapitalized Equipment, and Capitalized Equipment

Whether an item should be classified as a supply or equipment is determined by the length of time the item is serviceable and on its contribution to the overall value of the physical assets of the LEA. For example, supplies are constantly consumed and replaced without substantially increasing the value of the physical assets of the LEA. Equipment has relatively permanent value and substantially increases the value of the physical assets of the LEA. For accounting purposes there are two types of equipment: noncapitalized and capitalized.

Equipment with an acquisition cost less than the LEA's capitalization threshold is treated as noncapitalized equipment; otherwise, it is treated as capitalized equipment. Expenditures for noncapitalized equipment, supplies, and noncapitalized improvements are charged as current expense; that is, they are recognized as an expense of the current period rather than as an asset. Expenditures for capitalized equipment, land improvements, building fixtures, and service systems are those that result in the acquisition of capital assets or additions to capital assets.

Criteria for Distinguishing Between Supplies and Capitalized Equipment

(Note: For purposes of the following discussion, "supplies" includes both Object 4300, Materials and Supplies, and Object 4400, Noncapitalized Equipment; "capitalized equipment" includes both Object 6400, Equipment, and Object 6500, Equipment Replacement.)

Supplies are items of an expendable nature that are consumed or worn out, deteriorate in use, or are easily broken, damaged, or lost. In LEA accounting, items of equipment that are not capitalized because of their low acquisition cost are considered to be supplies.

It is sometimes difficult to classify articles as either supplies or capitalized equipment. They may have the characteristics of equipment but have a low
Procedure 770  Distinguishing Between Supplies and Equipment

unit cost or are frequently lost, broken, or worn out and replaced in normal use. To obtain uniformity, the LEA should classify items on the basis of answers to the questions below:

1. Does the item lose its original shape and appearance with use?
2. Is it consumable, with a normal service life of less than one year?
3. Is it easily broken, damaged, or lost in normal use?
4. Is it usually more feasible to replace it with an entirely new unit than to repair it?
5. Is the cost of the item below the LEA's capitalization threshold?

If the answer to any one of the preceding questions is yes, the item should normally be classified as a supply. If all the answers are no, the item should be classified as capital outlay.

A way to visualize the distinction between capitalized equipment and supplies is by using the following flowchart provided by the federal government. At the first NO, the item is declared to be a supply.

**Distinguishing Capitalized Equipment from Supplies**

<table>
<thead>
<tr>
<th>Lasts more than one year</th>
<th>➔ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>➔ YES</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Repair rather than replace</th>
<th>➔ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>➔ YES</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Independent unit rather than being incorporated into another unit item</th>
<th>➔ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>➔ YES</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost of tagging and inventory small percentage of item cost</th>
<th>➔ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>➔ YES</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exceeds minimum dollar value of capitalization threshold established by the LEA</th>
<th>➔ NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>➔ YES</td>
<td></td>
</tr>
</tbody>
</table>

At the first NO, the item is declared to be a SUPPLY.
Procedure 770  Distinguishing Between Supplies and Equipment

Inventory Requirements and Capitalization Thresholds

Property inventory requirements and capitalization thresholds are different subjects that are commonly confused because of their overlapping terminology.

An inventory is an itemized list for tracking and controlling property. Capitalization is an accounting treatment whereby an item of property is accounted for as an asset rather than as an expense of the current period. All items owned by an LEA can rightfully be considered assets; but, as a practical matter, LEAs do not need to capitalize all of the items.

Inventory Requirements

Education Code Section 35168 requires LEAs to maintain an inventory of equipment whose current value exceeds $500. However, this requirement does not mean that LEAs must capitalize all equipment costing more than $500. While all capitalized items should be inventoried, not all inventoried items should be capitalized.

For purposes of compliance, accountability, and internal control, LEAs should maintain inventories of many items they do not capitalize in their financial statements. Some LEAs set an inventory threshold lower than that required by statute, and some LEAs inventory certain items in addition to those that would be required by statute. For example, LEAs might inventory DVD players and computers for internal control purposes, even if they do not capitalize these items because of their low cost and even if these items' cost is below the threshold defined in statute.

Capitalization Threshold

The capitalization threshold is the per-unit cost at which a given item qualifies for capitalization. The cost used for determining capitalization should include tax, freight charges, and installation costs, whether included in the invoice cost of the item or paid separately. Capitalization
Procedure 770  Distinguishing Between Supplies and Equipment

thresholds may differ from one LEA to another depending on materiality. Typically, the larger the LEA, the higher is its capitalization threshold.

The Government Finance Officers Association (GFOA) recommends that capitalization thresholds be set so that about 80 percent of the dollar value of an LEA's assets are capitalized (not 80 percent of the individual items of property), but in no case should the threshold be less than $5,000. For most LEAs, a capitalization threshold of at least $5,000 is recommended. For larger LEAs, a higher capitalization threshold is appropriate.

The Office of Management and Budget (OMB) Circular A-87, Costs Principles for State, Local, and Indian Tribal Governments, allows property costing up to $5,000 to be charged to federal grants as supplies, rather than as equipment, unless the LEA's capitalization threshold is lower. If an LEA elects to set a capitalization threshold higher than $5,000 for most items, it still needs to have a separate threshold of $5,000 for items paid for with federal funds. It is recommended that LEAs set a similar threshold for items paid for with restricted state funds.

It is further recommended that LEAs capitalize any item acquired through long-term debt, such as equipment acquired through a capital lease, even if the item does not otherwise meet the LEA's threshold for capitalization. Doing so ensures that when the LEA reports the liability for the long-term debt, the LEA will also report the corresponding asset for which the debt was issued.

LEAs may wish to establish a separate, higher threshold for capitalization of site and building improvements than for capitalization of equipment. Professional judgment should be used in the application of this separate threshold so that only those improvements that meet the threshold for capitalization and that significantly enhance the value or extend the life of the site or building, regardless of the cost, are capitalized.

LEAs may choose to capitalize groups of items acquired at the same time that do not meet the threshold for capitalization individually. Examples might include major acquisitions of library books for a new library or large quantities of computers for an entire computer laboratory. However, unless the group of items would represent a very significant asset for the LEA, it is not recommended that groups of items whose unit cost does not meet the capitalization threshold be capitalized.
Procedure 770  Distinguishing Between Supplies and Equipment

Reconciling Inventory Additions to Accounting Records

It is easy to reconcile additions to the property inventory with accounting records. First, assets that are capitalized are always also inventoried. Acquisitions of capitalized assets are usually recorded in Objects 6000, Capital Assets, or occasionally in other objects in combination with Function 8500, Facilities Acquisition and Construction. Expenditures in these accounts should always reconcile to the additions of capital assets to the property inventory.

Second, acquisitions of assets that will not be capitalized but that will be inventoried are recorded in Object 4400, Noncapitalized Equipment. For example, assume that an LEA maintains an inventory of items of property costing more than $500 and that the LEA has a capitalization threshold of $5,000. The LEA would charge expenditures for items of property costing more than $500, but less than $5,000, to Object 4400, Noncapitalized Equipment. Expenditures in this account should reconcile to the additions of noncapitalized assets to the property inventory.

This LEA would charge items of property costing less than $500, such as adding machines and electric staplers, to Object 4300, Materials and Supplies. These items would be neither capitalized nor inventoried.

Criteria for Repairs, Maintenance, and Betterments

Repair parts that LEAs purchase for the maintenance of buildings, equipment, and grounds, regardless of cost, are normally charged as supplies (e.g., Object 4300, Materials and Supplies, or Object 4400, Noncapitalized Equipment).

Examples include:

- Plumbing fixtures
- Compressors (if part of a larger unit)
- Bus transmissions
- Engines
- Timer devices for automatic sprinkler systems
Procedure 770  Distinguishing Between Supplies and Equipment

Repair costs are those outlays that are necessary to keep an asset in its intended operating condition but that do not materially increase the value or physical properties of the asset. Building repair costs are charged to Function 8100, Maintenance and Operations. Equipment repair costs are charged to the function in which the equipment is used.

By contrast, all additions and betterments to capital facilities should be charged to a capital outlay account when acquired or when construction or installation is completed. An addition refers to a physical extension of some existing asset. A betterment exists when a part of an existing asset is replaced by another and the replacement provides a significant increase in the life or value of the asset.

Building additions and betterments are typically charged to Object 6200, Buildings and Improvements, in combination with Function 8500, Facilities Acquisition and Construction.

Criteria for Identification of Building Fixtures and Service Systems

The following criteria provide a uniform basis for the identification of building fixtures and service systems. To be classified as either a building fixture or a service system, as opposed to equipment, an item must conform to five criteria:

1. The item is attached permanently to the building.
2. The item functions as part of the building.
3. Removal of the item would result in appreciable damage to the building or would impair the designed use of the facility.
4. The item is generally accepted as real property (not personal property).
5. The item loses identity as a separate unit.

Building fixtures and service systems are typically charged to Object 6200, Buildings and Improvements, in combination with Function 8500, Facilities Acquisition and Construction.

Building Fixtures

Building fixtures include attachments to a building that are not subject to transfer or removal, presumably function as integral parts of the building,
and have fairly long and useful lives. Such fixtures are generally accepted as real property and lose functional identity as separate units.

Examples include bleachers installed in a gymnasium, built-in cabinetry, and walk-in freezers.

Service Systems

Service systems include any parts of a building that are intended to serve a single function throughout the building, are usually included as a part of the original construction or subsequently added in whole or in part, are built as integral parts of buildings, and are expected to have long and useful lives. Such systems are generally accepted as real property and lose identity as separate units.

Examples include air-conditioning systems and intercommunication systems.
Procedure 775  Accounting for Internal Service Funds

Generally accepted accounting principles (GAAP) permit that internal service funds may be used "to report any activity that provides goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis." GAAP never requires the use of an internal service fund.

Internal service funds use the economic resources measurement focus and the accrual basis of accounting, similar to private-sector business enterprises. Costs relating to a given activity are accumulated so that they can be allocated to benefiting funds in the form of fees and charges.

Purpose of an Internal Service Fund

The purpose of an internal service fund is to measure the full cost of providing goods or services with the intent of fully recovering that cost, including some measure of the cost of capital assets, through user fees and charges. The use of an internal service fund is not appropriate for activities that a local educational agency (LEA) only partially intends to finance through fees and charges.

An internal service fund should be used only if the reporting LEA is the predominant participant in the internal service activity. If the LEA is not the predominant participant, the service is not “internal,” and an enterprise fund should be used instead.

A surplus or a deficit in an internal service fund may indicate that the funds and programs benefiting from the internal service activity are being over- or undercharged for the costs of the goods or services they receive from the internal service activity.

Self-Insurance Fund

Self-insurance activities are subject to various statutory provisions found in Education Code Section 17566 and Government Code Section 53205 and to accounting standards found in Governmental Accounting Standards Board (GASB) Statements 10 and 30. An actuarial valuation of the annual cost of self-insured benefits is required at least every three years.
LEAs may establish separate funds for each type of self-insurance activity, such as workers' compensation, health and welfare, and deductible property loss (*Education Code* Section 17566). If an LEA establishes more than one self-insurance fund, the LEA must roll these funds up to Fund 67, Self-Insurance Fund, when reporting data to CDE.

LEAs may also assign locally defined resource codes in the 0001–0999 range for their different self-insurance activities. The LEA must roll these resources up to Resource 0000, Unrestricted, when reporting to CDE.

Amounts contributed to a self-insurance fund are treated as expenditures of the fund from which the moneys are contributed and as revenue in the self-insurance fund. For example, a contribution from the general fund to a self-insurance fund for property and liability insurance should be recorded as an expenditure in the general fund using Object 5400, Insurance, and as revenue in the property and liability self-insurance fund using Object 8674, In-District Premiums/Contributions.

**Sample Journal Entries**

### General Fund

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Insurance</td>
<td>01-0000-0-0000-7200-5400</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td></td>
<td>$3,000</td>
</tr>
</tbody>
</table>

To record payment of property and liability insurance premiums for November.

### Self-Insurance Fund

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Cash in County Treasury</td>
<td>67-0000-0-0000-0000-9110</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>In-District Premiums/Contributions</td>
<td>67-0000-0-0000-0000-8674</td>
<td></td>
<td>$3,000</td>
</tr>
</tbody>
</table>

To record receipt of property and liability insurance premiums for November.

Other expenditure accounts, descriptive of the type of insurance being provided, are used to record the expenditure in the fund that provides the contribution/premium.

For example, LEAs record a contribution from the general fund to a self-insurance fund for workers' compensation using the appropriate object.
Procedure 775  Accounting for Internal Service Funds

and the same resource, goal, and function as the salaries of the individuals being insured:

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Workers' Comp. Insurance (Cert)</td>
<td>01-2430-0-3550-1000-3601</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>11-30-xx</td>
<td>Workers' Comp. Insurance (Class)</td>
<td>01-2430-0-3550-2100-3602</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>11-30-xx</td>
<td>Cash in County Treasury</td>
<td>01-2430-0-0000-0000-9110</td>
<td></td>
<td>$2,000</td>
</tr>
</tbody>
</table>

To record payment of Work Comp insurance premiums for November.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Cash in County Treasury</td>
<td>67-0000-0-0000-0000-9110</td>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td>11-30-xx</td>
<td>In-District Premiums/Contributions</td>
<td>67-0000-0-0000-0000-8674</td>
<td>$2,000</td>
<td></td>
</tr>
</tbody>
</table>

To record receipt of Work Comp insurance premiums for November.

Payments from the self-insurance fund for claims or judgments and payments to independent contractors for administrative services are recorded using Object 5800, Professional/Consulting Services and Operating Expenditures. All self-insurance activities are reported in Function 6000, Enterprise.

Note that payments for claims or judgments for employee benefit programs, such as health and welfare benefits or workers’ compensation, are not recorded to an employee benefit object (3000-3999) in the self-insurance fund. Employee benefit expenditures are recognized in these object codes in the contributing fund at the time the contribution to the self-insurance fund is recognized.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Health &amp; Welfare Benefits (Cert)</td>
<td>01-0000-0-1110-1000-3401</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>11-30-xx</td>
<td>Health &amp; Welfare Benefits (Class)</td>
<td>01-0000-0-1110-1000-3402</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>11-30-xx</td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td></td>
<td>$6,000</td>
</tr>
</tbody>
</table>

To record employee health insurance premiums for November.

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Cash in County Treasury</td>
<td>67-0000-0-0000-0000-9110</td>
<td>$6,000</td>
<td></td>
</tr>
</tbody>
</table>
Procedure 775  Accounting for Internal Service Funds

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>In-District Premiums/Contributions</td>
<td>67-0000-0-0000-8674</td>
<td>$6,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To record receipt of employee health insurance premiums for November.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11-30-xx</td>
<td>Professional/Consulting Services</td>
<td>67-0000-0-0000-6000-5800</td>
<td>$xxxx</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>67-0000-0-0000-0000-9110</td>
<td>$xxxx</td>
<td></td>
</tr>
</tbody>
</table>

To record employee health benefit claims.

A trust account may be established for the payment of claims by a contracting firm. The balance in the trust account is recorded in the self-insurance fund in Object 9135, Cash with a Fiscal Agent/Trustee. Claims paid from the trust account are replenished by payments from the self-insurance fund in amounts equal to claims paid. These payments are recorded in the self-insurance fund in Object 5800.

The cost of excess insurance to provide coverage over and above self-insurance capabilities should be recorded as an expense of the self-insurance fund using Object 5450, Other Insurance.

<table>
<thead>
<tr>
<th>Self-Insurance Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>11-30-xx</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

To record the purchase of excess insurance to provide coverage over and above self-insurance capabilities.

Salaries, benefits, and other costs of administering self-insurance activities may be charged directly to the self-insurance fund. Where costs of administering self-insurance activities are instead accumulated in the general fund, reimbursements to the general fund are recorded as transfers of direct costs using Object 5750. Reimbursements for administrative costs are not recorded as interfund transfers or as transfers of indirect costs.

<table>
<thead>
<tr>
<th>General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>11-30-xx</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

To record reimbursement from the internal service fund for administration costs for November.
**Procedure 775  Accounting for Internal Service Funds**

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Transfers of Direct Costs–Interfund</td>
<td>67-0000-0-0000-6000-5750</td>
<td>$2,000</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>67-0000-0-0000-0000-9110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To record reimbursement to the general fund for administration costs for November.

**Measurement and Recognition of Expenses and Liabilities**

LEAs that self-insure for workers' compensation, current year health and welfare benefits for active employees, and deductible property loss should recognize claims expenses and liabilities in accordance with GASB Statements 10 and 30. Liabilities for claims, including liabilities for incurred but not reported (IBNR) claims, should be based on the total estimated cost of settling the claims, including claim adjustment costs, net of any estimated recoveries.

LEAs that self-insure for postemployment benefits other than pensions (OPEB) should recognize OPEB expenses and liabilities in accordance with GASB Statement 45. LEAs should report a net OPEB obligation (or asset) equal to the cumulative difference between annual OPEB cost and the LEA’s employer contributions. The accounting for OPEB costs and employer contributions is discussed in Procedure 785.

**Surpluses and Deficits in a Self-Insurance Fund**

Amounts contributed to a self-insurance fund are lawfully restricted for that purpose (*Education Code* Section 17566 and *Government Code* Section 53205).

If amounts held in a self-insurance fund exceed amounts required as determined on an actuarial basis (a surplus), current and/or future contributions may be reduced by adjusting the rates used to charge the contributing funds.

If amounts charged by the self-insurance fund to the contributing funds do not recover the full cost of the self-insured benefits over a reasonable period of time, any deficit fund balance in the self-insurance fund should be charged back to the contributing funds by adjusting the rates used to charge those funds.

**Warehouse Revolving Fund**
Procedure 775  Accounting for Internal Service Funds

Education Code sections 42830–42833 authorize and prescribe procedures for the establishment of a revolving warehouse stock fund, more commonly called the Warehouse Revolving Fund. Permission is also given for two or more LEAs to establish a common revolving fund for this purpose.

The Warehouse Revolving Fund is an internal service fund that may be used to account for all the costs of an LEA's warehousing operations, including the purchase of inventories and the costs of receiving, storing, and delivering them. Its use is optional. For additional discussion of inventories, see Procedure 405.

The Warehouse Revolving Fund is reimbursed for all items furnished from warehouse stock to any office or school. The transactions of the warehouse revolving fund are to be conducted insofar as possible without a profit or loss and are accounted for on the accrual basis of accounting.

LEAs using the Warehouse Revolving Fund record the following in this fund:

1. The cost of the inventory.
2. The salaries and benefits of personnel working in the warehouse operation.
3. New acquisitions of land, building, and equipment for the warehouse. These items are recorded as capital assets and depreciated over their estimated useful lives.
4. The cost of other expenses for maintaining the warehouse, such as utilities, noncapitalized warehouse equipment, maintenance, and warehouse operation supplies.
5. Depreciation expense on buildings and equipment used for the warehouse.

Warehouse Revolving Fund activities are reported in Function 6000, Enterprise.

Sample Journal Entries

When inventory is purchased, the following entry is made:

<table>
<thead>
<tr>
<th>Warehouse Revolving Fund</th>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Procedure 775  Accounting for Internal Service Funds

This entry increases an asset account for the purchase of inventory and reduces the cash account for the payment.

The cost of the inventory debited at the time of receipt of goods includes the total cost of the merchandise, including sales tax, postage, freight, and other charges.

When items are requisitioned from the warehouse by site, program, or department staff, the following entries are recorded:

**Warehouse Revolving Fund**

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Cash in County Treasury</td>
<td>66-0000-0-0000-0000-9110</td>
<td>$336</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Sales</td>
<td>66-0000-0-0000-0000-8639</td>
<td></td>
<td>$336</td>
</tr>
<tr>
<td></td>
<td>Materials and Supplies</td>
<td>66-0000-0-0000-6000-4300</td>
<td>$300</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stores</td>
<td>66-0000-0-0000-0000-9320</td>
<td></td>
<td>$300</td>
</tr>
</tbody>
</table>

To record the sale of items requisitioned from the warehouse, including overhead.

This entry increases the cash account, recognizes revenue from the sale of inventory items, reduces the inventory account, and records the cost of goods sold.

**General Fund**

<table>
<thead>
<tr>
<th>Date</th>
<th>Object Title</th>
<th>SACS Account String</th>
<th>Debit</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-30-xx</td>
<td>Materials and Supplies</td>
<td>01-0000-0-0000-8100-4300</td>
<td>$336</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash in County Treasury</td>
<td>01-0000-0-0000-0000-9110</td>
<td></td>
<td>$336</td>
</tr>
</tbody>
</table>

To record the receipt of custodial supplies requisitioned from the warehouse, and payment by cash.

This entry recognizes the cost of custodial supplies received and payment by cash.

Note that LEAs using a warehouse revolving fund include a charge for overhead in the price of the goods charged to school sites, programs, or departments. In this example, the overhead charge is 12 percent ($300 cost of goods sold + 12% = $336). If the calculation of the overhead rate is reasonable, at the end of the year the amount of sales recorded in the
Procedure 775  Accounting for Internal Service Funds

Warehouse Revolving Fund will approximately equal the total costs incurred in that fund. The calculation of overhead is discussed in Procedure 405.

There are several accepted methods for determining the cost to be assigned to inventory requisitioned from the warehouse. These methods are discussed in Procedure 405.

The LEA should take a physical count of the inventory at least once a year. Procedures for conducting a physical inventory and adjusting the books to accurately reflect the physical inventory are provided in Procedures 410 and 405.
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Procedure 805 Joint Powers Agreements/Agencies (JPAs)

The following guidance may include some information that is temporarily superseded by the categorical flexibility provisions of Senate Bill 4 of the 2009-10 Third Extraordinary Session (SBX3 4) (Chapter 12, Statutes of 2009) as amended by SB 70 (Chapter 7, Statutes of 2011), effective 2008-09 through 2014-15. LEAs should refer to the CDE letter “Fiscal Issues Relating to Budget Reductions and Flexibility Provisions” located on the CDE accounting correspondence Web page at: http://www.cde.ca.gov/fg/ac/co/ for additional information and guidance.

Pursuant to Education Code Section 41023, joint powers agreements/agencies (JPAs) consisting solely of school districts and county offices of education are subject to the same restrictions (e.g., financial reporting requirements) applicable to school districts and county offices, including preparation of budget and financial statements, certifications, accounting and auditing requirements, and expenditure and appropriation controls.

Education Code Section 41023 exempts from the financial reporting requirements those JPAs established to provide insurance funds for losses and payments for such things as health and welfare benefits for employees, school district liability, and workers' compensation pursuant to Education Code Section 17567.

Guidelines for JPA Financial Reporting

The following guidelines for the standardized account code structure (SACS) budget and financial reports have been developed to standardize reporting for JPAs. The guidelines are designed to ensure that the revenues and expenditures for JPAs are not inadvertently "double counted" when financial data from all local educational agencies (LEAs) are aggregated into statewide totals.

1. When JPAs operate Regional Occupational Centers and Programs (ROCPs):

   Education Code Section 52321(a) allows ROCPs established and maintained by JPAs to receive annual operating funds from each of the participating districts.
Procedure 805   Joint Powers Agreements/Agencies (JPAs)

A district participating in a JPA in which the JPA operates the ROCP will recognize the ROCP apportionments as Other State Apportionments (Resource 6350 and Object 8311) and report the transfer of funds to the JPA as Transfers of Apportionments to JPAs (Resource 6350, Function 9200, and Object 7223).

The JPA will recognize the revenues as Transfers of Apportionments from Districts or Charter Schools (Resource 6350 and Object 8791). The expenditures will be reported in the Goal 6000, ROCP, and the appropriate functions, such as Function 1000, Instruction.

2. When JPAs are responsible for administering a Special Education Local Plan Area (SELPA):

In accordance with Education Code Section 56195.1(b), a school district may, in conjunction with one or more school districts, form a JPA and prepare a plan for the education of individuals with "exceptional needs" residing within those districts. The plan must include the designation of a "responsible local agency or alternative administrative agency" (e.g., one of the participating school districts) to receive and distribute the special education moneys.

The responsible agency will report the special education funds in the appropriate special education resource categories (Resource 6500) and report the transfer of funds to the JPA as Transfers of Apportionments to JPAs (Resource 6500, Function 9200, and Object 7223).

The JPA will recognize the revenues as Transfers of Apportionments from Districts or Charter Schools (Resource 6500 and Object 8791). The expenditures will be reported in the special education goals (goals 5000–5999) and the appropriate functions, such as Function 1000, Instruction.

3. When JPAs are organized for the purpose of providing transportation or food services:

JPAs providing transportation or food services do so either (a) as a designated single school district or (b) through a contract.
Procedure 805  Joint Powers Agreements/Agencies (JPAs)

a. **Single School District JPA.** If a JPA's sole function is to provide school transportation services or school food services, the JPA may be designated as a single school district in accordance with Education Code sections 41980(a) and 41980(b) to receive state apportionments. No activity is reported on the district's books if its transportation/food services are provided by a single district JPA.

The JPA will report the apportionments in the appropriate resource and object (Transportation—Home-to-School [Resource 7230, Object 8311]; Transportation—Special Education [Resource 7240, Object 8311]; and Child Nutrition Programs [Resource 5310, objects 8220 and 8520]). The expenditures will be reported in the appropriate functions (Function 3600, Pupil Transportation, and Function 3700, Food Services).

b. **Contracted JPAs.** When JPAs provide transportation/food services through a contract, the reporting is as follows:

The district will report the expenditures associated with the JPA using Object 5100, Subagreements for Services, within the appropriate goal and function.

The JPA will report the revenue received from the district as Object 8677, Interagency Services Between LEAs, and report the expenditures as Goal 7110, Nonagency—Educational, in the appropriate function activity (e.g., Function 3600, Pupil Transportation, and Function 3700, Food Services).

4. **When school districts or county offices contract with JPAs for certain services:**

If the reporting situations described previously do not apply, then the following guidelines should be used whenever school districts or county offices contract with JPAs for services (e.g., instructional services, support services):

The school district or county office will report the expenditures associated with the JPA as Subagreements for...
Services (Object 5100) within the appropriate goal and function.

The JPA will report the revenue received from the school district or county office using Object 8677, Interagency Services Between LEAs, and report expenditures as Goal 7110, Nonagency—Educational, in the appropriate function activity (e.g., Function 1000, Instruction, or Function 2100, Instructional Supervision and Administration).

Indirect Cost Rates for JPAs

The California Department of Education (CDE) is responsible for approving indirect cost rates for all LEAs. Although it does not generally approve indirect cost rates for JPAs, CDE can approve an indirect cost rate for a JPA if the JPA meets the following conditions:

1. The JPA has a county-district code and is included on the CDE active list of JPAs filing the SACS financial reports. (See "County-District Codes for JPAs," page 805-5.)

2. The JPA is established to provide direct instructional and support services and operates its own administrative unit (e.g., ROCP or SELPA JPAs), or the JPA is established to provide direct support services and operates its own administrative unit (e.g., pupil transportation, food services JPAs).

   Note: Indirect cost rates will not be approved for JPAs that provide only central administrative services (e.g., payroll, accounting, centralized data processing).

3. The JPA has filed a SACS financial report for the appropriate year. Under the negotiated agreement with the United States Department of Education, indirect cost rates derived from the expenditure data of one fiscal year are applicable to programs in the second succeeding fiscal year. For example, rates derived from 2007-08 expenditure data are applicable to 2009-10 fiscal year programs.

4. The JPA has assigned only those costs normally associated with central administrative services, such as agencywide budgeting, accounting, purchasing, personnel, and centralized data processing,
Procedure 805 Joint Powers Agreements/Agencies (JPAs)

To Function 7200, Other General Administration. Costs relating to the administration of the program(s) provided by the JPA should be charged according to the function definitions in Procedure 325, the same as it would be if the program was provided by the district.

For example, directors of instructional programs should be charged to Function 2100, Instructional Supervision and Administration. Directors of transportation programs should be charged to Function 3600, Transportation. Directors of food service programs should be charged to Function 3700, Food Services.

5. The JPA makes a written request to CDE to approve its rate. This request process is part of the SACS unaudited actual financial data certification form.

Note: Expenditure reports submitted by JPAs are subject to the same analysis that CDE applies to school districts and county offices of education, including verification that indirect cost rate calculations are reasonable.

County-District Codes for JPAs

The issuance of county-district codes will be limited to those JPAs that, consistent with the requirements of Education Code Section 41023, would appropriately file the SACS financial reports. JPAs established for insurance purposes under Education Code Section 17567 are excluded from the reporting requirements of Education Code Section 41023 and will not be issued county-district codes. When requesting a county-district code from CDE, the JPA must:

1. Complete an application for a county-district code for a JPA, following the instructions available on the Internet at http://www.cde.ca.gov/ds/si/ds. (For assistance or questions regarding county-district code applications, please contact CDS Administration at (916) 327-4014 or by mail at CDS Administration, Data Management Division, California Department of Education, 1430 N Street, Suite 6308, Sacramento, CA 95814.)

2. Include evidence that Government Code requirements for JPAs have been met. (See Government Code sections 6503.5 and 6503.7
Regarding filing a notice of the JPA agreement with the Office of the Secretary of State and payment of the filing fee.)

3. Submit the request through the county office of education and obtain the approval of the county superintendent.

4. List all participants in the JPA.

5. Provide a description of the type of service provided by the JPA to the educational programs. Generally, JPAs provide instructional and support services only (e.g., ROCPs, SELPAs), support services only (e.g., pupil transportation, food services, utilities, facilities acquisition, financing), or central administrative services (e.g., payroll, accounting, centralized data processing, legal). (CDE program approvals may be required for certain types of JPAs.)

6. Describe how the financial reporting will be accomplished. (See "Guidelines for JPA Financial Reporting," page 805-1.)
Procedure 810 Charter Schools

The California School Accounting Manual (CSAM) provides guidance on generally accepted accounting principles (GAAP) for all local educational agencies (LEAs) as well as specific guidance for LEAs in California. Section 15071 of Title 5 of the California Code of Regulations requires that charter schools follow the guidelines in CSAM, to the extent the guidelines apply, for reporting of financial data. Much of the guidance in CSAM is relevant to charter schools.

GAAP for Charter Schools

Governmental agencies such as traditional school districts and county offices of education use the governmental fund accounting model and the modified accrual basis of accounting for their governmental activities. Charter schools that are governmental use this basis of accounting. The authoritative source of GAAP for this model is the Governmental Accounting Standards Board (GASB).

Not-for-profit charter schools approved under Education Code Section 47604 that operate as or are operated by a nonprofit public benefit corporation pursuant to Section 501(c) (3) of the Internal Revenue Code typically use the not-for-profit accounting model and the accrual basis of accounting. The authoritative source of GAAP for this model is the Financial Accounting Standards Board (FASB).

The not-for-profit model more closely resembles private-sector (for-profit) accounting than governmental fund accounting. Nongovernmental not-for-profit entities using this model present external financial statements consisting of a statement of financial position, a statement of activities, a statement of cash flows, and notes to the financial statements.

Governmental fund accounting and the differences between the accrual and the modified accrual bases of accounting are discussed in Procedure 101, Governmental Accounting.

Reporting Charter School Financial Data to CDE

Pursuant to Education Code Section 42100, all LEAs, including charter schools, must report their unaudited actual financial data to the California Department of Education (CDE).
The decision as to whether a charter school should report to CDE as part of its authorizing LEA or separately should be based on whether the charter school is a part of the LEA or a separate reporting entity for purposes of GAAP. Authoritative guidance on the reporting entity is contained in GASB statements 14, 39, and 61. A charter school that is the same reporting entity as its authorizing LEA, as defined by GAAP, will be included in the LEA’s financial statements and will typically report to CDE as part of the LEA. A charter school that is a separate reporting entity, as defined by GAAP, will issue its own financial statements that are separate from those of its authorizing LEA and will typically report separately to CDE as well.

**Reporting Formats**

Charter data may be reported in either the standardized account code structure (SACS) format or in the alternative format for charter schools approved by the State Board of Education and titled the Charter School Unaudited Actuals Financial Report—Alternative Form (hereafter referred to as the Alternative Form). Charter schools are encouraged to discuss the reporting options with their authorizing agencies and their independent auditors before choosing a format.

Regardless of the format used, the data submitted for each charter school must be a complete report of all of the charter school's financial operations, including beginning balances, revenues, expenditures (or expenses), and ending balances.

**Using SACS for Charter School Financial Reporting**

The main operating funds available for charter schools reporting in SACS are:

- **General Fund (Fund 01) (modified accrual basis of accounting):** For charter schools reporting separately from the authorizing LEA and for charter schools reporting as part of the LEA within the LEA’s general fund.
- **Charter Schools Special Revenue Fund (Fund 09) (modified accrual basis of accounting):** For charter schools reporting as part of the authorizing LEA but reported outside of the LEA’s general fund.
Charter Schools Enterprise Fund (Fund 62) (accrual basis of accounting): For charter schools using the not-for-profit reporting model reporting either as part of the authorizing LEA or separately.

Only one main operating fund should be reported.

If a charter school reporting in Fund 01 uses additional funds, the charter school must report those funds in addition to their main operating fund.

If Fund 62 is used for any of a charter school’s activities, it should be used for all of the charter school’s activities. Note that fund accounting is inconsistent with the not-for-profit financial reporting model, so in this case Fund 62 serves as a financial statement for purposes of reporting to CDE rather than as a fund.

Costs reported in Fund 62 should include the function most descriptive of the activity being performed (e.g., instruction, school administration, pupil services, and plant services) rather than Function 6000, Enterprise, which is normally used in an enterprise fund.

Regardless of the basis of accounting, charter school financial reporting will typically be simpler than such reporting for traditional school districts because charter schools receive block grant funding in lieu of many individual categorical funds and typically operate fewer instructional programs. As with any other LEA, charter schools need use only what is necessary, required, and applicable to them. For guidance in using SACS, charter schools are encouraged to refer to applicable sections and procedures in this manual.

Using the Alternative Form for Annual Financial Reporting

Charter schools using the Alternative Form for financial reporting are encouraged to set up their accounts to align with the Alternative Form. A list of accounts that correspond to the Alternative Form is presented at the end of this procedure. Written definitions of each of the accounts (objects) can be found in Procedure 330.

Charter schools using the Alternative Form for financial reporting must use the spreadsheet version provided by CDE, and the county office of education must submit the data to CDE electronically. Because of the
brevity of the form, additional data necessary for compliance or other calculations may have to be submitted separately.

The Alternative Form allows for either the modified accrual basis of accounting used by governmental agencies or the accrual basis of accounting normally used by not-for-profit entities. Regardless of the basis of accounting, charter schools using the Alternative Form report all financial data on the form, using one basis of accounting or the other. The data submitted for each charter school must be a complete report of the charter school's financial operations, including beginning balances, revenues, expenditures (or expenses), and ending balances.

If a charter school maintains more than one fund in its own accounting system and uses the Alternative Form for reporting to CDE, it should consolidate all the financial data from all its funds on the Alternative Form.

For an Alternative Form, user's guide, and additional information about financial reporting, visit the following Web site: http://www.cde.ca.gov/fg/sf/fr.
Procedure 810 Charter Schools

Listing of Codes for the Charter School Alternative Form

The following codes from the Charter School Unaudited Actuals Financial Report Alternative Form (Alternative Form) correspond to the SACS object codes described in Procedure 330. The following codes are generally listed in the same order as they appear on the Alternative Form. Because of block granting of charter school funds, there are many more codes listed than most charter schools will need. (For more information about the object codes and their definitions, refer to Procedure 330.)

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<td>8182</td>
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Other Federal Revenue

| 8110       | Maintenance and Operations (Federal Impact Aid)                      |
| 8260–8299  | Other Federal Revenue                                                |
| 8260       | Forest Reserve Funds                                                 |
| 8270       | Flood Control Funds                                                  |
| 8280       | U.S. Wildlife Reserve Funds                                          |
| 8281       | FEMA                                                                  |
| 8285       | Interagency Contracts Between LEAs                                   |
| 8287       | Pass-Through Revenues from Federal Sources                           |

Other State Revenue

| 8300–8599  | Other State Revenue                                                  |
| 8480       | Charter Schools Categorical Block Grant                               |

Special Education—State

All Other State Revenue

| 8311       | Other State Apportionments—Current Year                              |
| 8319       | Other State Apportionments—Prior Years                               |
| 8425       | Year-Round School Incentive                                          |
| 8434       | Class Size Reduction, Grades K–3                                     |
| 8435       | Class Size Reduction, Grade Nine                                     |
| 8520       | Child Nutrition                                                      |
| 8530       | Child Development Apportionments                                     |
| 8540       | Deferred Maintenance Allowance                                       |
| 8545       | School Facilities Apportionments                                     |
| 8550       | Mandated Cost Reimbursements                                         |
| 8560       | State Lottery Revenue                                                |
| 8571       | Voted Indebtedness Levies, Homeowners' Exemptions                    |
| 8572       | Voted Indebtedness Levies, Other Subventions/In-Lieu Taxes           |
| 8575       | Other Restricted Levies, Homeowners' Exemptions                      |
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<td>8662</td>
<td>Net Increase (Decrease) in the Fair Value of Investments</td>
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<td>Adult Education Fees</td>
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<td>8673</td>
<td>Child Development Parent Fees</td>
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<td>Transportation Fees from Individuals</td>
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<td>8681</td>
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<td>8691</td>
<td>Plus: Miscellaneous Funds Non-Revenue Limit (50 Percent) Adjustment</td>
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<td>Transfers of Apportionments from JPAs</td>
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<td>8799</td>
<td>Other Transfers In from All Others</td>
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1000–7999 EXPENDITURES AND OTHER FINANCING USES

1000–7499 Expenditures

1000–1999 Certificated Personnel Salaries
(for positions that require a credential or permit)

1100 Certificated Teachers' Salaries

1200 Certificated Pupil Support Salaries

1300 Certificated Supervisors' and Administrators' Salaries

1900 Other Certificated Salaries

2000–2999 Noncertificated Salaries
(for positions that do not require a credential or permit)

2100 Noncertificated Instructional Salaries

2200 Noncertificated Support Salaries

2300 Noncertificated Supervisors' and Administrators' Salaries

2400 Clerical, Technical, and Office Staff Salaries

2900 Other Noncertificated Salaries

3000–3999 Employee Benefits
(Employers' contributions to retirement plans and health and welfare benefits. Codes ending in 1 indicate benefits paid to personnel in certificated positions, and codes ending in 2 indicate those paid to personnel in noncertificated positions.)

3101–3102 State Teachers' Retirement System

3201–3202 Public Employees' Retirement System

3301–3302 OASDI/Medicare/Alternative

3401–3402 Health and Welfare Benefits

3501–3502 Unemployment Insurance

3601–3602 Workers' Compensation Insurance

3701–3702 OPEB, Allocated

3751–3752 OPEB, Active Employees
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<td></td>
<td>(Expenditures for books and supplies including costs of sales/use tax, freight, and handling charges)</td>
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<td>4100</td>
<td>Approved Textbooks and Core Curricula Materials</td>
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<tr>
<td>4200</td>
<td>Books and Other Reference Materials</td>
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<td>5000–5999</td>
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<td></td>
<td>(Expenditures for services, rentals, leases, maintenance contracts, dues, travel, insurance, utilities, legal, and other operating expenditures)</td>
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<td>7223</td>
<td>Transfers of Apportionments to JPAs—All Other</td>
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<tr>
<td>7281–7299</td>
<td>All Other Transfers (other than apportionments or pass-through)</td>
</tr>
<tr>
<td>7280</td>
<td>Transfers to Charter Schools in Lieu of Property Taxes (Obsolete)</td>
</tr>
<tr>
<td>7281</td>
<td>All Other Transfers to Districts or Charter Schools</td>
</tr>
<tr>
<td>7282</td>
<td>All Other Transfers to County Offices</td>
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<tr>
<td>7283</td>
<td>All Other Transfers to JPAs</td>
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<tr>
<td>7299</td>
<td>All Other Transfers Out to All Others</td>
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<tr>
<td>7438–7439</td>
<td>Debt Service</td>
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<td>7438</td>
<td>Debt Service—Interest</td>
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<tr>
<td>7439</td>
<td>Other Debt Service—Principal</td>
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### OTHER FINANCING SOURCES/USES

**8900–8999**  Other Financing Sources

- 8930–8979  Other Sources
- 8931  Emergency Apportionments
- 8951  Proceeds from Sale of Bonds
- 8953  Proceeds from Sale/Lease Purchase of Land and Buildings
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- 8965  Transfers from Funds of Lapsed/Reorganized LEAs
- 8971  Proceeds from Certificates of Participation
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<td>8979</td>
<td>All Other Financing Sources (Use Object 8979 for proceeds of charter school loans.)</td>
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<td>7600–7699</td>
<td><strong>Other Financing Uses</strong></td>
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<td>7630–7699</td>
<td>Other Uses</td>
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<td>7651</td>
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<td>7699</td>
<td>All Other Financing Uses</td>
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<tr>
<td>8980–8999</td>
<td>Contributions Between Unrestricted and Restricted Accounts</td>
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<td>8980</td>
<td>Contributions from Unrestricted Revenues</td>
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<td>8990</td>
<td>Contributions from Restricted Revenues</td>
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<td>8995</td>
<td>Categorical Education Block Grant Transfers</td>
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<td>Transfers of Restricted Balances (Inactive)</td>
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<td>8998</td>
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### 9700–9799  FUND BALANCE, RESERVES

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<td>9793</td>
<td>Audit Adjustments</td>
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<td>Other Restatements</td>
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(The following codes and titles for 9700 – 9790 were valid through 2010-11)

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<td>Reserve for Revolving Cash</td>
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<tr>
<td>9712</td>
<td>Reserve for Stores</td>
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<tr>
<td>9713</td>
<td>Reserve for Prepaid Expenditures (Expenses)</td>
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<tr>
<td>9719</td>
<td>Reserve for All Others</td>
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<td>9730</td>
<td>General Reserve</td>
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<td>Legally Restricted Balance</td>
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<td>9770</td>
<td>Designated for Economic Uncertainties</td>
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<tr>
<td>9775</td>
<td>Designated for the Unrealized Gains of Investments and Cash in County Treasury</td>
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<td>9780</td>
<td>Other Designations</td>
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<td>Undesignated/Unappropriated Amount</td>
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(The following codes and titles for 9700 – 9790 are valid effective 2011-12)

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<td>Nonspendable Stores</td>
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<td>9713</td>
<td>Nonspendable Prepaid Items</td>
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<td>All Other Nonspendable Assets</td>
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<td>9740</td>
<td>Restricted Balance</td>
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<td>9750</td>
<td>Stabilization Arrangements</td>
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<td>9760</td>
<td>Other Commitments</td>
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<td>9780</td>
<td>Other Assignments</td>
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## Procedure 810  Charter Schools

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<td>Reserve for Economic Uncertainties</td>
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<td>9790</td>
<td>Unassigned/Unappropriated</td>
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<tr>
<td>9796</td>
<td>Capital Assets, Net of Related Debt (accrual basis of accounting only)</td>
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<td>9797</td>
<td>Restricted Net Assets (accrual basis of accounting only)</td>
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### ASSETS

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<td>Cash in County Treasury</td>
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<td>9111</td>
<td>Fair Value Adjustment to Cash in County Treasury</td>
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<td>9120</td>
<td>Cash in Bank(s)</td>
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<td>Cash in Revolving Fund</td>
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<td>9135</td>
<td>Cash with a Fiscal Agent/Trustee</td>
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<td>Cash Collections Awaiting Deposit</td>
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<td>9150</td>
<td>Investments</td>
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<td>Accounts Receivable</td>
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<td>Due from Grantor Governments</td>
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<td>Stores</td>
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<td>9330</td>
<td>Prepaid Expenditures (Expenses)</td>
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<td>Other Current Assets</td>
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<td>9400–9499</td>
<td>Capital Assets (accrual basis of accounting only)</td>
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<tr>
<td>9410</td>
<td>Land</td>
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<td>9420</td>
<td>Land Improvements</td>
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<td>Accumulated Depreciation—Land Improvements</td>
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<td>Equipment</td>
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<td>9445</td>
<td>Accumulated Depreciation—Equipment</td>
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<td>Work in Progress</td>
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### LIABILITIES

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<tr>
<td>9500</td>
<td>Accounts Payable (9501–9589 are reserved for local use)</td>
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<td>9590</td>
<td>Due to Grantor Governments</td>
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<td>9640</td>
<td>Current Loans</td>
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<td>9650</td>
<td>Deferred Revenue</td>
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<td>9660–9669</td>
<td>Long-Term Liabilities (accrual basis of accounting only)</td>
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<tr>
<th>Code</th>
<th>Title</th>
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<tbody>
<tr>
<td>9661</td>
<td>General Obligation Bonds Payable</td>
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<td>9662</td>
<td>State School Building Loans Payable</td>
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<td>9664</td>
<td>Net OPEB Obligation</td>
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<td>9665</td>
<td>Compensated Absences Payable</td>
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<td>9666</td>
<td>Certificates of Participation (COPs) Payable</td>
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<td>9667</td>
<td>Capital Leases Payable</td>
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<td>9668</td>
<td>Lease Revenue Bonds Payable</td>
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<td>9669</td>
<td>Other General Long-Term Debt</td>
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</table>
Procedure 905  Documenting Salaries and Wages

Documentation of salaries and wages is often necessary to support charges to specific funding sources (resources), instructional settings (goals), and activities (functions). Some level of formalized time documentation is normally needed for all salaries and wages paid from federally funded programs. However, for salaries and wages paid from state funds, formalized documentation is usually only necessary when the funds are restricted, when positions are split between goals or certain functions, or when program guidelines require it.

In reviewing this procedure, local educational agencies (LEAs) should keep in mind that written policies and procedures are essential to implementing an effective labor distribution system. LEAs must develop a time documentation process (i.e., forms, employee training, internal controls, and compliance checks) that meets their particular needs.

Salaries and Wages Charged to Restricted Programs

Costs of salaries and wages are usually an allowable charge to programs with a restricted funding source. However, LEAs are normally required to have time documentation to support the charging of their salaries and wages to a restricted source.

Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, is a policy directive affecting which costs are allowable charges to federal programs, which costs are not allowable, and how costs charged to federal programs must be documented. OMB Circular A-87 applies to all LEAs receiving federal funds subject to the cost principles. Attachment B, Section 8(h) of OMB Circular A-87 specifies the standards for documenting salaries and wages charged to federal programs. These standards are in addition to those for payroll documentation.

The time documentation requirements for charging salaries and wages to state programs are based on the OMB Circular A-87 federal time documentation guidelines. However, there is also an alternative method.

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3 A few federal programs are not subject to the cost principles of OMB Circular A-87. Federal Impact Aid is an example.
**Procedure 905**  
**Documenting Salaries and Wages**

available to document salaries and wages charged to state restricted programs.

### Cost Objectives

OMB Circular A-87 defines a cost objective as "a function, organizational subdivision, contract, grant, or other activity for which cost data are needed and for which costs are incurred." For purposes of supporting salary and wage expenditures, the identification of cost objectives allows funding sources to be pooled for a common objective.

In practical terms, a cost objective is a set of work activities allowable under the terms and conditions of a particular funding source. In the determination of whether an employee works on a single cost objective or on multiple cost objectives, the most significant factor is not the number of funding sources supporting the salary but rather the activity being performed.

### Single Cost Objective

A set of work activities may be considered a single cost objective when both the service(s) being performed and the population(s) being served are allowable under any of the programs supporting the cost objective (i.e., the funding sources are homogeneous). Stated another way, costs allocable to that cost objective must be allowable under any of the programs that fund the activities. If these criteria are met, an activity that benefits two or more programs may be considered a single cost objective.

Homogeneous funding sources are the exception rather than the rule. If it is not clear whether the funding sources are in fact homogeneous, the activities should be treated as separate (multiple) cost objectives rather than as a single cost objective.

An example of a single cost objective at its most basic is an employee who works solely on one activity and that activity is funded by a single source. While this type of one-to-one relationship does occur, it is also possible to have a single cost objective that is funded by multiple sources. For example, if an employee works in a position that is funded by multiple federal programs, but the employee does similar activities all day and the federal programs have the same requirements with regard to allowable
costs and eligibility of participants, then that employee may be considered as working on a single cost objective.

Following are examples of employees working on a single cost objective:

1. **Single Funded Activity**: An employee who works solely (100 percent) on activities of a single federal or state restricted program or on a single nonfederal program used in meeting cost sharing or matching requirements of federal awards.

2. **NCLB Consolidated Administrative Funds**: An employee who works solely on administrative activities of the No Child Left Behind Act (NCLB) where the administrative funds have been consolidated in Resource 3155, NCLB Consolidated Administrative Funds (see Procedure 780).

3. **Schoolwide Program (SWP)**: A school-site employee working solely on an SWP plan approved by CDE. This is a single cost objective because for an approved SWP plan the LEA may use NCLB Title I funds in combination with some or all of its other federal funds and state and local general-purpose funds to upgrade the entire educational program in a school (Title I, Part A, Subpart 1, Section 1114).

Employees working on an SWP plan who are paid in part by federal programs that have not been combined in the SWP, and employees who work on both SWP and non-SWP plan activities, are not considered to be working in a single cost objective.

4. **School-Based Coordinated Programs (SBCPs)**: California's SBCPs combine several state categorical programs in a manner similar but not identical to an SWP. Under *Education Code* Section 52853, employees of an SWP at a school site funded from SWP and SBCP funds (assuming those are the only two funding sources) may be considered as funded by a single cost objective.

Prior to identifying the SWP and SBCP funds as a single cost objective, an LEA must ensure that the SBCP school plan includes the proposed expenditure of NCLB funds available to the school. If NCLB funds are not included, the existing SBCP school plan should be revised to include them. For SWP and SBCP funds to be considered as a single cost objective, the school must operate the
state-approved SWP in a manner consistent with the expenditure of funds available to the school under SBCP, which means that the SWP and SBCP funds must be used for the same purpose.

Essentially, for a school site to consider its SWP and SBCP funding sources as a single cost objective, the school's funding sources must be contained in an SBCP and a state-approved Title I SWP. That means that the school would use all the funds available to upgrade the entire educational program in the school. If all the funds are not available for all the students, the SBCP and SWP funding sources may not be considered a single cost objective. There may be individual NCLB funds used at an SBCP school, such as for Title I Targeted Assistance schools; however, those funds may not be considered a single cost objective unless they are included in a state-approved SWP that benefits all the pupils at the school.

5. **Combined Federal and State Awards:** An employee such as a drug prevention counselor or a special education instructional aide who is funded by a mixture of federal and/or state awards, where the services provided and the populations served are eligible and allowable under any of the awards (see the note following item 6).

6. **Combined Federal, State, and Local Awards:** An employee who is funded by a mixture of federal, state, and local resources, where the services provided and the populations served are allowable and eligible under any of the funding sources. For example, the salary of a cook working in a school cafeteria may be funded from a mix of federal funds (free or reduced-price meal reimbursement), state funds (additional reimbursement funds), and local funds (lunch sales). If the cook spends all of his or her time in the preparation and serving of school lunches, and if all of the activities performed by the cook are allowable under any of the funding sources, then the cook's activities can be considered a single cost objective.

Similarly, an aide working in a child care center is paid from child development funds, which may include federal, state, and local resources. If the aide spends 100 percent of his or her time providing child care to children that could be served under any of the funding sources, the aide's time may be considered a single cost objective.
Procedure 905  Documenting Salaries and Wages

Note: Items 5 and 6 are simplistic examples and are provided for explanatory purposes only. More complex situations may indicate multiple cost objectives rather than a single cost objective (refer to the discussion on homogeneous funding sources on page 905-2). To ensure that timekeeping efforts comply with OMB Circular A-87, LEAs need to evaluate each situation to determine the proper time documentation requirements.

Multiple Cost Objectives

When an employee works on more than one award and the activities performed may not be considered a single cost objective, the employee is considered to work on multiple cost objectives.

Following are examples of employees working on multiple cost objectives:

1. An employee provides similar services all day, but his or her position is supported by multiple federal awards that have different rules as to the eligibility of participants or allowable costs.

2. The employee works on dissimilar activities for more than one federal program, and the programs are not combined in an approved SWP.

3. The employee works on dissimilar activities for a mixture of federal and state programs, and those programs are not combined in an approved SWP.

4. The employee works on a mixture of federal and general-purpose activities that have not been combined in an approved SWP.

5. The employee is funded by more than one nonfederal program source, and one of the sources is used in meeting the cost sharing or matching requirements of federal awards.

6. The employee works on both an indirect cost activity (e.g., business services) and a direct cost activity (e.g., special projects administration or an approved SWP plan).
7. The employee works on an unallowable activity (e.g., school board) and an indirect cost activity or a direct cost activity.

Illustrations Showing Single and Multiple Cost Objectives

XYZ School has three federal categorical programs (F1, F2, and F3) that supplement the school's regular base funding. The following three illustrations show how different time documentation guidelines would apply:

Illustration A

In Illustration A, employees at XYZ School are multifunded, either by more than one federal program or by a federal program and other general-purpose revenues (regular base funding). The services provided and populations served vary by program. The school does not have an approved SWP.

Employees are considered to work on multiple cost objectives because the funding comes from two or more federal programs or from federal programs and general-purpose revenues, and the school does not have an approved SWP plan.

Illustration B

In Illustration B, XYZ School has an approved SWP plan. It has the same three federal categorical programs supplementing its regular base funding. In its SWP plan, XYZ School has combined F1, F2, and F3 and its regular base funding.
Employees that work solely at XYZ School on SWP activities are considered to work on a single cost objective because the school has an approved SWP plan that combines the funds.

**Illustration C**

In this illustration, XYZ School has an approved SWP plan and has combined its regular base funding, its three federal categorical programs (F1, F2, and F3), and its SBCP funds from two state categorical programs (S1 and S2).

Similar to Illustration B, Illustration C represents a single cost objective for employees that work solely at XYZ School on SWP or SBCP activities because the funds are combined by the SWP and SBCP.

**How to Document Federally Funded Salaries and Wages**

The cost objective(s) on which an employee works is the main factor in determining whether federal time documentation requirements can be
satisfied by a periodic personnel certification or whether the requirements
must be met through the more detailed form of a personnel activity report
or equivalent documentation.

Salaries and wages used in meeting cost sharing or matching requirements
of federal awards must also be supported by one of these methods.

Each LEA needs to determine its time documentation requirements based
on its own circumstances, and each LEA must ensure that its timekeeping
efforts comply with the requirements of OMB Circular A-87.

Periodic (Semiannual) Certification

Employees who work solely on a single federal award or cost objective
need only complete a periodic certification. Pursuant to OMB Circular
A-87, Attachment B, Section 8(h)(3), the periodic certification must:

- Be prepared at least semiannually.
- Be signed by the employee or the supervisory official having
  firsthand knowledge of the work performed by the employee.
- State that the employee worked solely on that single federal
  program or cost objective during the period covered by the
certification.

Where multiple employees work on the same cost objective, a blanket
certification may be used as the documentation for all employees who
worked on the cost objective. For example, a school with an approved
SWP may choose to prepare a blanket certification that lists all employees
that worked solely on the SWP. Because periodic certifications may be
signed by either the employee or supervisor and because the purpose of a
blanket certification is to simplify the time documentation process, the
school may choose to include only the signature of the supervisor, which
in this SWP example would be the school principal.

Sample periodic certifications are provided on pages 905-23 and 905-24.
These sample documents are very basic and may require enhancements to
meet time documentation requirements of certain programs.

Note: In accordance with the February 8, 2008 non-regulatory Title I
guidance issued by the United States Department of Education, at a
school that has consolidated every one of the school’s federal,
Procedure 905 Documenting Salaries and Wages

state, and local programs in the SWP plan, an employee who works 100% on the SWP is not required to complete a semi-annual certification because there is effectively no other cost objective at the school. At a school that has even one federal, state, or local program that is not consolidated in the SWP plan, an employee who works 100% on the SWP should complete a semi-annual certification.

Personnel Activity Report

Except as provided in "Substitute System for Time Accounting" (following), employees who work on multiple activities or cost objectives of which at least one is federal must complete a personnel activity report (PAR) or equivalent documentation (OMB Circular A-87, Attachment B, Section 8[h][4], [5], and [7]).

A PAR may be as detailed as a document that identifies the employee's activity daily by hours, or it may be as simple as a report of the total hours or percentage of hours spent in each categorical program or cost objective. The level of detail can generally be determined by the diversity and variation of the employee's work activities. The safest approach is to provide more documentation rather than less.

OMB Circular A-87 states that PARs or equivalent documentation must:

• Reflect an after-the-fact distribution of the actual activity of each employee.
• Account for the total activity for which each employee is compensated.
• Be prepared at least monthly and coincide with one or more pay periods.
• Be signed by the employee.

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards, but these figures may be used for interim accounting purposes provided that:

• The LEA's system for establishing the estimates produces reasonable approximations of the activities actually performed.
Comparisons of budgeted distributions with actual costs based on the monthly activity reports are made at least quarterly. If the variances between total budgeted and total actual costs are 10 percent or more, adjustments must be made at least quarterly to the LEA’s financial records, including to billings made to federal grantor agencies. If the variances are less than 10 percent, the adjustments may be recorded annually.

The budget estimates or other distribution percentages are revised at least quarterly if necessary to reflect changed circumstances.

A sample PAR is provided on page 905-22. Note that the sample document is very basic and may require enhancements to meet time documentation requirements of certain programs.

Substitute System for Time Accounting

As an alternative to a PAR, OMB Circular A-87, Attachment B, Section 8(h)(6) allows for substitute systems of time accounting using sampling methods that meet statistical sampling standards for allocating salary and wages. Such substitute systems are subject to prior federal approval. The United States Department of Education has approved such a system for California's LEAs to use, at their option, for substantiating federal salary and wage charges for those employees working on multiple-funded activities or cost objectives.

The substitute system is intended to simplify recordkeeping for LEAs that must substantiate salary and wage charges to federal programs through the use of PARs or equivalent documentation. Unless the LEA uses this approved substitute system, PARs must be prepared at least monthly for employees working on multiple cost objectives whenever federal funds are involved.

Under the substitute system approved for California, PARs are required less frequently than monthly. Specifically, the approved substitute system allows LEAs to collect PARs from employees every fourth month (three times a year). The information from the PARs is used both to reconcile the federal timekeeping estimates from the previous three months and to estimate the percentage of time employees will spend on various federal programs in the next three months. This system works best when the composite workload produces an even distribution of salaries to accounts over the full 12-month period.
LEAs may choose any month to begin the cycle for the substitute system. Because the starting month establishes the recordkeeping cycle for the year, LEAs should choose a starting month that most accurately reflects their annual average labor cost experience.

The following is a description of the substitute system process. The description assumes that the LEA begins the substitute recordkeeping at the beginning of the fiscal year and the first PARs are collected in July.

- All multiple cost objective employees where at least one of the cost objectives is federally funded or is used in meeting cost sharing or matching requirements of federal awards must keep PARs for the full month of July to account for 100 percent of their time spent on activities for which they are compensated. From the PARs, labor distribution reports for July are generated to support effort distribution and charges for costs incurred in July and to provide the basis for employee salary and fringe benefit allocations for August, September, and October.

- In November and March, the multiple cost objective employees keep PARs that are used to:
  1. Support effort and labor costs incurred in November and March.
  2. Compare with and make any necessary adjustments to the budgeted effort distribution for August through October and December through February.
  3. Project salary and fringe benefit allocations for December through February and April through June.

- The process starts over again the following July to support incurred labor cost allocations for that month and to compare and adjust the budgeted effort distribution for April through June. Further, the July PARs start another round of labor distribution estimates for the second year.

- After the first full year on the system, LEAs may shift from collecting PARs three times a year (e.g., July, November, March) to two times a year (e.g., July, January) if the deviation between the total estimated time and total actual time charged is consistently less than 10 percent. Thereafter, the twice-yearly
PAR collection may be maintained as long as the deviation is consistently less than 10 percent.

Important rules for LEAs choosing to use the substitute system for time accounting are as follows:

1. All aspects of the substitute system must be implemented in accordance with the guidelines shown in this section. As with any time documentation method, adherence to the substitute system is subject to monitoring.

2. All multifunded employees who would otherwise be required to complete PARs (i.e., multiple cost objective employees) must participate in the substitute system. They will still complete PARs that cover the entire months being sampled, but the PAR reporting frequency is lessened from every month to only four times (or less) a year.

3. Employees funded solely (100 percent) from a single federal source or who work on a single cost objective must not participate in the substitute system because their data would distort the aggregate results of the multifunded data. Those employees must continue to prepare semiannual certifications.

As with all time documentation methods, written policies and procedures are essential to implementing an effective substitute system for time accounting. LEAs should develop forms and provide employee training before implementing the substitute system. It is suggested that a trial run be done before beginning the actual substitute system process.

The following elements should be addressed as an LEA develops and implements a substitute system for time accounting:

1. Proper completion of PARs, including how frequently PAR data must be recorded and what constitutes adequate documentation
2. Required review and approval cycle
3. Handling of completed forms
4. Internal review process to ensure compliance

Generally, this information should provide enough detail to permit an understanding of how the substitute system will operate from the point
Procedure 905  Documenting Salaries and Wages

labor is expended to the point it is recorded in the accounting records and charged to federal awards.

Documentation of Supplemental Employment Contracts

As stated previously, PARs or equivalent documentation must account for the total activity for which an employee is compensated. This would include additional hours worked as part of that activity, such as overtime. However, if an employee has a supplemental contract in addition to their regular position (e.g., a teacher during the school day and a coach after school), then each is evaluated to determine the time documentation needed.

Following are sample scenarios including supplemental employment contracts and the time documentation requirements for each:

1. **Regular contract requires time documentation but supplemental contract does not.** An employee has a regular contract to work as a Title I teacher during the school day and a supplemental contract to provide athletics coaching after school. Time documentation that includes 100 percent of the teacher's school day is required for the teaching position (either a PAR or semiannual certification, depending on the duties). The supplemental coaching position is outside the scope of the employee's regular position and, if funded from unrestricted monies, generally would not require time documentation.

2. **Both regular contract and supplemental contract require time documentation.** An employee has a regular contract to provide both Title I and basic education services during the school day, plus a supplemental contract to work as a tutor for the 21st Century Learning program after school. A PAR or equivalent documentation would be required for the regular contract because it is considered multiple cost objectives. The supplemental tutoring position is outside the teacher's regular position, but since it is paid for with federal funds, the rules for time documentation apply and a semiannual certification would be required.

Salaries and Wages Charged to State Funded Programs
**Procedure 905 Documenting Salaries and Wages**

LEAs are required to provide supporting documentation for salaries and wages charged to state restricted programs (resources). Documentation is also required for certain state unrestricted activities, such as when the activity has specific documentation requirements (e.g., state mandated programs), or when salaries and wages are charged to a specific program (goal), or when salaries and wages are split between a direct cost and an indirect cost activity (function).

As with federal programs, the level of documentation needed to charge salaries and wages to a state program or activity is predominately determined by whether the employee works on a single cost objective or on multiple cost objectives. LEAs must also take into consideration any specific documentation requirements a state program may have, such as if a program requires use of the state documented method (discussed following) or if a program has specific limitations or requirements regarding the type(s) of services provided, such as direct services to students.

**How to Document State Restricted Salaries and Wages**

In the absence of more stringent state program guidelines, when documenting salaries and wages charged to state restricted programs, LEAs may use the documentation methods described in "How to Document Federally Funded Salaries and Wages" beginning on page 905-7. These methods include monthly PARs, semiannual certifications, and the substitute system for time accounting.

When using federal methods to document state programs, LEAs will follow the single and multiple cost objective guidelines to determine the level of time documentation needed. For example, an employee who works on multiple state cost objectives will complete a PAR (or equivalent documentation) or participate in the substitute system for time accounting rather than completing a semiannual certification.

In addition to the federal time documentation methods, California also has an alternative method that LEAs may use to support salaries and wages charged to state restricted programs. This alternative method is referred to as the state documented method and is similar to the federal PAR process.

**The State Documented Method**
Procedure 905  Documenting Salaries and Wages

Salaries and wages paid from state restricted funds must have supporting documentation conforming to either the federal documentation methods or the alternative state documented method. For the state documented method to be used, the following criteria must be met:

1. The specific costs would not occur if the program being documented were discontinued.
2. The costs must be supported by auditable documentation, including time reports and contemporaneous records of activities.
3. All parts of the product or service (e.g., a position or service contract) must be documented.

Unless stated otherwise in the guidance following, personnel whose costs are being documented under the state documented method must complete an activity work sheet. The work sheet must include, as a minimum, the following elements, but additional information may be incorporated to meet local needs:

Activity Work Sheets

- Reporting frequency. An employee's activity work sheet must be completed at least monthly.

- Information to be reported. The following basic information must be recorded for each employee being documented:

  1. Name of the LEA
  2. Employee's name
  3. Employee's position title
  4. Period covered by the work sheet
  5. Signature of the employee
  6. Signature of the employee's supervisor
  7. Work activity (e.g., the name/description of the program or cost objective)

The basic activity work sheet generally provides the minimum required documentation when an employee's assignment is in support of only one program or cost objective. Additional information may be necessary in more complex situations or to meet specific program time documentation requirements.
Procedure 905   Documenting Salaries and Wages

Employees who are assigned to positions that serve more than one program should also record the following:

8. Name/description of each program or cost objective
9. Dates worked
10. Hours worked

Record only actual hours worked. These hours will be used as the basis for distribution of costs to the programs or cost objectives. Include overtime hours worked, whether paid or unpaid. Exclude time off (vacation, sick leave, and any other time off) or report it as a separate line item. Report to the nearest quarter hour any time worked that is less than one hour. Substantiation of the time spent for each program is to include, at a minimum, a summary time sheet plus contemporaneous records that detail the time spent on each task.

Following are examples of various categories of employees. Under the state documented method, costs documented to single or multiple state restricted programs require at least the following documentation:

**Program Staff.** An activity work sheet must be completed if the program employee's time is to be charged to a state restricted program. Use of an activity work sheet to report time spent in various programs means that the employee must be able to substantiate the information that is reported. This substantiation consists of contemporaneous documentation such as appointment calendars, caseload records, and notices of meetings. The LEA must retain such documentation for a minimum of three years after the year of audit.

Employees working in more than one state activity or position whose time is being documented (e.g., an employee working half-time as a project director and half-time as a psychologist) need to maintain time-accounting records for each activity. Employees working part-time in a teaching position and part-time in a support position also need to maintain an activity work sheet to record the time spent in the teaching activity and that spent in the support activity.

**Support Service Staff.** Positions providing a support service function that are charged to multiple state activities need to maintain time-accounting records for each activity. When only one program is charged, consistent and verifiable supporting documentation is still needed and may be
Procedure 905  Documenting Salaries and Wages

Salaries and wages charged to state unrestricted programs or funding sources generally do not require documentation; however, certain activities may require documentation, such as when:

- The activity has specific documentation requirements. For example, state mandated programs' parameters and guidelines identify documentation requirements applicable to each mandated program.

- An employee's time is charged to a specific instructional goal or to multiple instructional goals (see "Documenting Salaries and Wages to a Goal," following).

- An employee works on both a direct cost activity and an indirect cost activity (see Procedure 915 for information on indirect cost activities). A monthly PAR or equivalent document is required unless the employee works in a position that fits one of the "in-lieu" distributions provided on page 905-20. Documentation is required because a mixture of direct cost and indirect cost activities is considered multiple cost objectives (OMB Circular A-87, Attachment B, Section 8[h][4]).

- An employee works 100 percent on indirect cost activities. The employee may use the LEA's regular payroll documentation...
Procedure 905  Documenting Salaries and Wages

process to document his or her time as long as the payroll is approved by a responsible LEA official (OMB Circular A-87, Attachment B, Section 8[h][1-2]). The indirect cost activities should be properly identified, such as on a timesheet or in a contract or job description.

Documenting State Salaries and Wages to a Goal

As stated previously, documentation is required when charging salaries and wages to federal funds or state restricted funds. There are also instances when salaries and wages charged to state unrestricted funds must be substantiated, such as when the costs are direct-charged to an instructional goal. When documenting these unrestricted salaries and wages charged to a goal, a lesser level of documentation than that required for restricted salaries and wages may be acceptable.

The following are general guidelines and examples for documenting state unrestricted salaries and wages direct-charged to an instructional goal:

A. **Instructional Salaries and Wages**

   Instructional activities must be direct-charged to a specific goal. Generally, the class roster provides sufficient documentation for substantiating the salaries and wages of classroom teachers charged to specific goals.

   The documentation for instructional aides may be based on their assignment to teachers with class rosters or the category of students to whom they are assigned.

B. **Noninstructional Salaries and Wages**

   **Charged to a Single Goal:**
   When supported by verifiable documentation, noninstructional salaries and wages may be direct-charged to a single goal. Examples of documentation that would be adequate include the contract or job description of a school employee, such as a nurse or counselor, that specifies the category of student they will solely serve, such as special education students; or the contract or job description of a project director that specifies the category of
Procedure 905  Documenting Salaries and Wages

student served, such as Director of Adult Education or ROC/P Administrator.

If verifiable documentation does not exist, the costs should be charged to Goal 0000, Undistributed, and subsequently allocated to specific goals during the program cost accounting process (see "Allocating Support Costs Using Allocation Factors," page 910-4).

**Charged to Multiple Goals:**
Direct-charging noninstructional salaries and wages to multiple goals requires contemporaneous documentation supporting the amount of time spent on each goal.

The salaries and wages of certificated administrators in instruction-related services (functions 2100 through 2700) or certain pupil services (functions 3100 through 3160 and 3900) that are direct-charged to multiple goals are to be supported by activity work sheets (see 905-14). In many cases, documentation (e.g., time cards, personnel activity reports, or activity work sheets) already provided to substantiate the charging of salaries and wages to federal or state restricted programs is sufficient for documenting to a goal.

The salaries and wages of classified support staff should usually be distributed to the same goals and in the same ratio as for the certificated personnel to whom they report.

Noninstructional salaries and wages of personnel other than administrators may be supported by activity work sheets, current job descriptions, or employee contracts. If job descriptions or contracts are used for documentation, they must be regularly reviewed and updated to ensure that they are current and reflect the actual activities of the staff. The actual charges should be based on actual time spent on specific goals rather than on budgeted figures. In many situations, rather than charging noninstructional salaries and wages directly to specific goals, it is appropriate to charge them to Goal 0000, Undistributed, for later allocation to specific goals during the program cost accounting process, using standardized allocation factors (see "Allocating Support Costs Using Allocation Factors," page 910-5).
Charged to Multiple Resources and Goals:
Where salaries and wages are charged to multiple restricted funding sources (resources) and multiple goals, documentation provided to substantiate charging the costs to the resources (e.g., time cards, personnel activity reports, or activity work sheets) will also support charging the costs to the goals. For example:

A counselor, hired to serve all students, is paid with a combination of unrestricted resources, a special education apportionment, and a federal grant for low-income students. The activities performed by the counselor are varied and serve multiple cost objectives. As stated on page 905-8, because these are multiple cost objectives and part of this funding is federal, the salary split among these three resources must be documented by a personnel activity report or equivalent documentation. This documentation of time by resource will also serve as the documentation between goals.

A project director's salary is split among four state restricted funding sources. As discussed in "Salaries and Wages Charged to State Funded Programs," page 905-13, the salary split among four state resources must be documented by an activity work sheet, a personnel activity report, or equivalent documentation. This documentation of time by resource will also serve as the documentation between goals.

A school psychologist, under contract to serve all students, spends time doing assessment testing for special education children with existing individualized education programs (IEPs). If the salary is partially paid with special education money, the documentation of salaries split among resources will also support the split among goals. If the psychologist is paid solely with state unrestricted money but the LEA wishes to direct-charge this cost among goals, then those charges must be supported by time reports, calendars, or other documentation substantiating the actual time spent on the multiple goals.
Procedure 905  Documenting Salaries and Wages

Distributing Costs of State Programs Based on Activity Work Sheets

Monthly time documentation records (personnel activity reports, activity work sheets, time cards) for charges to state restricted programs detail the percentage of time employees spend on each activity and become the basis for the distribution of costs. In some instances the monthly documents support the charging of costs directly to programs during the year; in other instances the documents are used to distribute costs to programs periodically.

When state funds are involved, the distribution of costs to the specific programs or cost objectives may be done on a schedule that best meets local needs (e.g., monthly, quarterly, at the first or second interim budget reporting periods, or at some other periodic interval). To determine the distribution of costs, record the actual hours worked in each program or cost objective as reported on the time documentation. Determine a proration by computing a ratio of the time spent in each to the total time worked. Distribute the salary and wage costs on the basis of the computed proration. The same proration will be applied to all costs associated with the activity, including the cost of associated clerical staff.

Cost Distributions in Lieu of Time Documentation

The charging of state salaries and wages to more than one goal usually requires documentation of the time spent in each goal. Time documentation is usually also necessary when an employee works on a direct and an indirect activity. However, for salaries and wages paid from state unrestricted funds, certain standardized distributions may be used in lieu of time documentation. These standard time distributions are applicable for use only when the positions are paid from state unrestricted funds.

*County Office of Education Services to School Districts.* County offices with staff performing similar activities within the areas of County Services to Districts and county office support services may charge costs as follows:

- 50 percent to Goal 8600, County Services to Districts
- 50 percent to Goal 0000, Undistributed
County offices with county board of education staff (Function 7100) performing similar activities within the areas of County Services to Districts and county office general administrative support may charge costs as follows:

- 50 percent to Goal 8600, County Services to Districts
- 50 percent to Goal 0000, Undistributed

**Assistant Superintendents.** The costs of assistant superintendents for instruction or equivalent positions having first-line responsibility for instructional administration and for participation in district/county policy may be charged as follows:

- 50 percent to Function 2100, Instructional Supervision and Administration
- 50 percent to Function 7200, Other General Administration

**Small School Districts and Charter Schools.** Small school districts and charter schools with one person performing the functions of both the principal and the superintendent may charge costs as follows:

- 70 percent to Function 2700, School Administration
- 30 percent to Function 7100, Board and Superintendent

Small school districts and charter schools with staff performing support duties for both school administration and business office administration may charge costs as follows:

- 70 percent to Function 2700, School Administration
- 30 percent to Function 7200, Other General Administration
Procedure 905  Documenting Salaries and Wages

Sample Personnel Activity Report

<table>
<thead>
<tr>
<th>Personnel Activity Report (PAR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period Covered 1</td>
</tr>
<tr>
<td>Employee Name</td>
</tr>
<tr>
<td>School/Division/Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost Objective/Program Title</th>
<th>Account/Resource Code</th>
<th>Hours Worked</th>
<th>Percentage of Hours Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project A</td>
<td>1111</td>
<td>35</td>
<td>21.7% (35÷161)</td>
</tr>
<tr>
<td>Project B</td>
<td>2222</td>
<td>60</td>
<td>37.3% (60÷161)</td>
</tr>
<tr>
<td>Project C</td>
<td>3333</td>
<td>56</td>
<td>34.8% (56÷161)</td>
</tr>
<tr>
<td>Program Administration</td>
<td>4444</td>
<td>10</td>
<td>6.2% (10÷161)</td>
</tr>
<tr>
<td>Total Hours Worked</td>
<td></td>
<td>161</td>
<td>100.0%</td>
</tr>
<tr>
<td>Compensated Time Off</td>
<td></td>
<td>7</td>
<td>n/a</td>
</tr>
<tr>
<td>Total Compensated Time²</td>
<td></td>
<td>168</td>
<td>n/a</td>
</tr>
</tbody>
</table>

I hereby certify that this report is an after-the-fact determination of actual effort expended for the period indicated and that I have full knowledge of 100 percent of these activities.

__________________________     _________________________
Employee                           Date

1This report must be prepared at least monthly and coincide with one or more pay periods.
2This report must account for the total activity for which each employee is compensated.
Caution:

- This sample form will work well in those situations when an employee's time spent on programs is fairly predictable and does not vary much during the month. However, for those employees whose time is unpredictable and varies significantly from day to day, a more detailed personnel activity report may be appropriate. Hourly time accounting is the method most accepted by auditors and the safest approach is always to provide more documentation rather than less.
- This sample form may not include sufficient detail to meet the time documentation requirements of specific programs, such as the requirements related to state mandated costs or the direct services to students and administrative costs under Title I, Part A and Economic Impact Aid.
Sample Periodic (Semiannual) Personnel Certification

<table>
<thead>
<tr>
<th>Cost Objective/Program Title</th>
<th>Account/Resource Code</th>
<th>Percentage of Effort</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program ABC</td>
<td>1111</td>
<td>100%</td>
</tr>
</tbody>
</table>

I hereby certify that this report is an after-the-fact determination of actual effort expended for the period indicated and that I have full knowledge of 100 percent of these activities.

________________________________________   ____________
Employee or Supervisory Official\(^3\)                                      Date

\(^1\) This sample certification:
- Is for employees funded solely (100 percent) from a single cost objective charged to federal or state programs or from a single nonfederal categorical program used in meeting cost sharing or matching requirements of federal awards.
- May not meet certain program requirements, such as the direct services to students and administrative costs requirements of Title I, Part A and Economic Impact Aid.

\(^2\) Certification must be prepared at least semiannually and cover the entire period of the certification (e.g., six months for a semiannual certification).

\(^3\) Certification must be signed by the employee or supervisory official having firsthand knowledge of the work performed by the employee. Pursuant to a recommendation by the United States Department of Education and to facilitate good internal control, LEAs may wish to require both signatures.
Sample Blanket Periodic (Semiannual) Personnel Certification

Blanket Semiannual Certification

Period Covered: _____________________  Fiscal Year: ____________

School Name: ___________________________________________

The following individuals have worked 100 percent of their time during the last six months under a single cost objective.

Cost Objective Name: ________________________________________

Cost Objective Account/Resource Number: _____________________

<table>
<thead>
<tr>
<th>POSITION</th>
<th>PRINTED NAME</th>
<th>SIGNATURE³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teacher B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teacher C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instructional Assistant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tutor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guidance Counselor</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that this report is an after-the-fact determination of actual effort expended for the period indicated and that I have full knowledge of 100 percent of these activities.

_______________________________________________________   ____________
Supervisory Official³ (Signature, Printed Name, and Title)                    Date

This sample certification:
• Is for employees funded solely (100 percent) from a single cost objective charged to federal or state programs.
• May not meet certain program requirements, such as the direct services to students and administrative costs requirements of Title I, Part A and Economic Impact Aid.

Certification must be prepared at least semiannually and cover the entire period of the certification (e.g., six months for a semiannual certification).
Procedure 905  Documenting Salaries and Wages

3 A periodic certification must be signed by the employee or by the supervisory official having firsthand knowledge of the work performed by the employee(s). To maximize the intent of the blanket semiannual time certification, it is acceptable to design it with only the supervisory official's signature block.
Procedure 910  Program Cost Accounting

Program cost accounting provides a standardized method of identifying all costs of a particular program, including its instructional, support, and central administration costs. Such cost identification is integral to a meaningful cost-reporting system for use by state and local decision makers in assessing the fiscal impact of programs and projects.

In the standardized account code structure (SACS), the goal field provides the framework for program cost accounting. Throughout this section the terms "goal" and "program" are virtually interchangeable.

Direct-Charged Versus Allocated Costs

When costs are being assigned to programs, many costs are easily identifiable with a specific program and can be charged to that program's goal at the time of expenditure, especially costs that apply to a single program (e.g., an elementary classroom teacher's salary). But certain types of costs, such as support services, are often harder to identify with an individual program. LEAs may accumulate these costs in an "undistributed" cost pool (Goal 0000) for later distribution to programs.

Costs may be charged to a program using two methods:

- **Direct-Charged Costs.** Costs that are charged to a program at the time of expenditure or that are distributed from Goal 0000 to the program on the basis of specific documentation (e.g., time sheets or work orders) are referred to as direct-charged costs.

- **Allocated Costs.** Costs that are accumulated in a Goal 0000 cost pool and are subsequently distributed to programs on the basis of standard allocation factors (full-time-equivalents, classroom units, or pupils transported) are referred to as allocated costs. This usually applies to costs of support-type activities, such as instructional or school administration, pupil transportation, and plant maintenance and operations.

Although not required, LEAs may distribute the allocated costs in their general ledgers. Note: For statewide reporting and comparisons of LEA
Procedure 910  Program Cost Accounting

Program cost data, Goal 0000 costs will be distributed to programs based on LEA-supplied allocation factors (see "Allocating Support Costs Using Allocation Factors," page 910-5).

Categories of Costs

Identifying costs for program cost accounting follows a stair-step model, starting with those closest to the classroom. The categories of costs include:

- Instructional costs
- Support costs
- Central administration costs
- Other costs

**Instructional costs** relate directly to instructional programs. Examples include the salaries and benefits of teachers and instructional aides, payments for textbooks and instructional supplies, travel and conference expenses for all employees in the instructional programs, and payments for the repair, maintenance, acquisition, and replacement of instructional equipment. Instructional costs are always direct-charged to a specific goal.

**Support costs** relate to the peripheral services necessary to maintain the instructional programs, including supervision of instruction, library, classroom technology, school administration, pupil support services, plant maintenance and operations, facilities rentals and leases, and pupil transportation. Support costs may be direct-charged to a goal if proper documentation exists; but, more commonly, they are accumulated in Goal 0000, Undistributed, and subsequently allocated to programs on the basis of standardized program cost allocation factors.

**Central administration costs** are farthest removed from the classroom but are still necessary for programs to operate. These agencywide costs, including budgeting, personnel, accounting, centralized data processing, school board, and superintendent, are collected in Goal 0000, Undistributed, and then distributed proportionately to all programs on the basis of a central administrative ratio (percentage).

**Other costs**, such as debt service, transfers between agencies, and facilities acquisition and construction, are not associated with individual programs for cost accounting purposes.
Procedure 910  Program Cost Accounting

Each category of costs is necessary for instructional programs to exist and therefore should be considered when total program costs are identified. The following pages include explanations of the different cost categories and any steps necessary to distribute the costs to specific programs.

Instructional Costs

Instructional costs are identifiable with a specific goal indicating the instructional setting or group of students receiving the services. Instructional costs must always be direct-charged to a specific goal. Expenditures in the instructional functions (1000s), ancillary functions (4000s), and community service functions (5000s) are always classified as an instructional cost and must always be direct-charged to a specific goal.

Charging costs directly to a goal requires consistent and verifiable supporting documentation that indicates how the costs relate to the goal. Examples of supporting documentation for charging salaries and wages to a specific goal include identification with a position in the personnel/payroll system, time sheet information, language in a contract, or a class schedule with assigned student enrollment (see "Documenting State Salaries and Wages to a Goal," page 905-16).

Support Costs

Support costs are costs of activities conducted in support of instructional programs. They are typically charged to a common pool of costs by using Goal 0000, Undistributed, or Goal 9000, Other Local Goals. (For ease in reading the remainder of this section, goals 0000 and 9000 are intended whenever Goal 0000 is referenced.) Support costs may be direct-charged to a specific goal at the time of expenditure or may be subsequently transferred to a specific goal, provided that sufficient documentation exists (see "Documenting State Salaries and Wages to a Goal," page 905-16, and "Documenting Nonpersonnel Costs to a Goal," page 910-10). Before total program costs can be determined, any costs remaining in the "undistributed" goal must be allocated to the LEA's programs.

Costs in the following support functions may be accumulated in Goal 0000:

- Instruction-Related Services (functions 2000–2999)
- Pupil Services (functions 3000–3999, except 3700)
Procedure 910  Program Cost Accounting

- Plant Services (functions 8000–8999, except 8500)

To provide consistent, comparable LEA program cost information, a specific allocation methodology is used to distribute support costs remaining in Goal 0000. (See "Allocating Support Costs Using Allocation Factors," page 910-5.) Use of this allocated method provides a systematic way of distributing costs from Goal 0000 to programs without requiring the supporting documentation needed when the documented method is used.

Central Administration Costs

Central administration costs (CACs) are those business and administrative costs that are agencywide (e.g., accounting, budgeting, personnel, purchasing). CAC functions include:

- Board and Superintendent (functions 7100–7180)
- External Financial Audit (functions 7190–7191)
- Other General Administration (functions 7200–7600)
- Centralized Data Processing (Function 7700)

Because of the agencywide nature of central administration costs, they are neither documented to specific goals nor allocated using the factors. Rather, they are accumulated in CAC functions using Goal 0000, Undistributed, and then proportionately distributed to each program on the basis of a central administrative cost ratio.

It should be noted that central administration costs in program cost accounting are similar, but not identical, to the indirect cost pool used for calculation of the indirect cost rate. Differences include (1) counting board and superintendent costs in the CAC pool for program cost accounting but excluding it from the indirect cost pool; (2) including a minor portion of administrative maintenance and operations costs in the indirect cost pool but not in the CAC for program cost accounting; and (3) including all types of external financial audits in the CAC pool for program cost accounting but only single audit costs in the indirect cost pool.

The CAC ratio, expressed as a percentage, represents total central administration costs divided by direct-charged and allocated costs from all funds that historically benefit from the administrative services. The resulting ratio, or percentage, can then be multiplied by a program's total
Procedure 910  Program Cost Accounting

| direct-charged and allocated costs to arrive at the amount of central administration costs applicable to that program. |

"Other" Costs

"Other" costs are those costs that are not associated with a specific goal. They include the food service, enterprise, facilities acquisition and construction, and other outgo functions. For purposes of program cost accounting, these costs are kept separate, even if the agency direct-charges the costs to a specific goal in their accounting records.

Allocating Support Costs Using Allocation Factors

The benefit provided to instructional programs by a support service function varies with the type of support provided. The benefit to programs from certain support services varies in relation to the number of instructional staff receiving the support. The benefit to programs from other support services varies in relation to the amount of space occupied by the instructional program or the number of students being served.

Three cost allocation factors provide the basis for allocating to programs the different types of support service costs:

1. Full-Time-Equivalent Teachers (FTEs)
2. Classroom Units (CUs)
3. Pupils Transported (PTs)

Through a determination of the counts of each factor by program, Goal 0000 costs can be proportionately distributed to each goal.

Allocation Factors

<table>
<thead>
<tr>
<th>Full-Time-Equivalent (FTE) Teachers</th>
<th>Definition: The full-time-equivalent (FTE) teacher allocation factor is the number of full-time-equivalent teachers serving (assigned) in each instructional program (goal). An assignment is a specific responsibility, classroom assignment, or course section taught. Teachers or assistant teachers (certificated or classified) should be included in the FTE count if they carry active student registers and their services generate average daily attendance (ADA). Certificated and classified employees providing special</th>
</tr>
</thead>
</table>
education designated instruction services and carrying active student registers should also be included in the FTE count.

Full-time equivalency is determined on the basis of the number of hours (i.e., of actual instruction of students) that constitutes a full-time teaching assignment for the agency. Taking the ratio of assignment hours to the number of hours that constitutes a full-time assignment calculates the FTE.

The four common categories for assignments are:

1. **Single assignment**: A full-time teacher assigned to a single goal is counted as 1.0 FTE for that goal.

2. **Split assignment**: A full-time teacher assigned to two or more goals is split between the goals on the basis of the proportionate share of hours in each assignment. For purposes of determining the number of FTEs to be allocated to each assignment, preparation periods, supervision, noon duty, individualized educational program (IEP) assessments, and other ancillary assignments are to be disregarded in the FTE calculation. Study halls are considered a regular class assignment.

3. **Semester assignment**: A full-time teacher assigned to programs of one semester or less is counted as a 0.5 FTE. Full-time teachers assigned to programs of more than one semester are counted as 1 FTE.

4. **Part-time assignment**: Prorate, using the preceding basic definition. For example, a teacher instructing in a program on a one-fourth time basis would be counted as a .25 FTE.

Totaling the computed number of FTE teacher units determines the FTE teacher count for each instructional goal. If applicable, FTE teacher counts may also be calculated for the community services and child care and development services goals.

Include in the count those teachers who are assigned to programs operated in the district but who are not employed by the district (e.g., those in special education or regional occupational center/program classes in which the teachers are paid by the county office). These FTE counts are to be recorded in the nonagency activities educational program.

For consistency, the FTE teacher count may be developed at any time after classes have been established for the second semester. In a large district an efficient way to compile the total FTE units may be to have each administrator complete a count and then to combine the information into a composite work sheet. Care must be taken to ensure that more than one site administrator does not report the same FTE units.

**FTE Functions:** FTE factors are used to allocate costs in instruction-related functions.
# Procedure 910  Program Cost Accounting

| Classroom Units (CU) | Definition: The classroom unit (CU) allocation factor is the number of units of space occupied by each program. The CU provides a method of converting each program's square footage into a standardized allocation factor. Although the term "classroom unit" was derived from using an "average" classroom as the basis for the measurement, all types of space are included in the CU count, not just classrooms. When calculating CUs, count space that is occupied by an identifiable function or activity. If multiple programs share an area, the CU is allocated to each program on the basis of the percentage of hours the room is used by each program. Report noninstructional programs occupying space in district administration facilities as part of the district administration program. Common-use areas are considered to benefit all programs and are not included in the calculation of CUs. They include areas such as school offices, media centers, libraries, corridors, restrooms, faculty rooms, unoccupied rooms, and outdoor areas (swimming pools, ball fields). Instruction and office areas. For "people-occupied" areas, such as instruction or office space, a room that falls with the general range of 800 to 1,100 square feet counts as one (1.0) CU. Areas that fall outside this range are converted to CUs by dividing the actual square footage by 960. For example, a room occupying 1,200 square feet is 1.25 CU (1,200 divided by 960). Examples of areas converted to CUs by using 960 might include large areas, such as science labs, computer labs, multipurpose rooms, and gymnasiums; small areas, such as cubicles for speech therapy; and agencywide administration facilities. Operational areas. Buildings such as maintenance shops, warehouses, and transportation facilities generally require approximately one-third the amount of maintenance and upkeep required for spaces used for students and other services. Convert these operational areas to CUs by dividing square footage by 2,880 (960 x 3). Partially enclosed spaces, such as sheds or patios, may be excluded from the calculation. Food services. In the area of food services, only the kitchen and serving areas are counted as CUs. The eating area is considered common space and is omitted from the calculation unless other activities occur in this area. If a multipurpose room is used for part of the day for classes and part of the day as the eating area, the CUs for the portion of the day attributable to classes are assigned to the appropriate program, and the portion attributable to food services is omitted. CU Functions: CU factors are used to allocate costs in the plant services functions (8100 and 8700). |

| (2100, 2420, 2490, and 2700) and pupil services functions (3110, 3120, 3130, 3140, 3150, 3160, and 3900). |

| (2100, 2420, 2490, and 2700) and pupil services functions (3110, 3120, 3130, 3140, 3150, 3160, and 3900). |
### Procedure 910  Program Cost Accounting

| Pupils Transported (PT) | **Definition:** The pupils transported (PT) allocation factor is the number of students transported in the year, which is determined by counting the number of students in each program transported from home to school. This factor represents the number of students, not the number of trips.  

Special education pupils receiving home-to-school transportation may be counted in the special education program only if their IEPs require home-to-school transportation. Otherwise, these children will be counted as regular students. Pupils who receive home-to-school transportation to attend schools *other than their neighborhood schools* because of requirements of their IEPs should also be counted as special education PTs.  

**PT Function:** PT factors are used only to allocate costs in Function 3600, Pupil Transportation. |
|---|---|

Note: Effective 2004-05, the workstation allocation factor used during earlier stages of SACS implementation is no longer a part of program cost accounting. Costs reported in Function 7700, Centralized Data Processing, by definition should be agencywide and are a central administrative cost for program cost reporting and indirect cost purposes. Data processing costs that support instructional programs (e.g., computers in the classroom, instructional computer labs, instructional networks, library computers) should be charged to Function 2420, Instructional Library, Media, and Technology, or Function 1000, Instruction. If all data processing costs are accumulated in Function 7700 (for example, because one data processing person provides technology services for all functions), any instruction-related costs must be reclassified using Object 5710, Transfers of Direct Costs, to Function 2420 or 1000, as appropriate. Methods of determining the amount of instruction-related costs to transfer include work orders or a count of workstations.

Developing Allocation Factor Counts

Because the allocated method applies to costs that did not qualify to be distributed using the documented method, and the purpose of the allocated method is to distribute Goal 0000 costs in a standardized manner, it is important to compile complete factor counts for each instructional setting operated by the LEA. If a function (or group of functions) has costs in Goal 0000, unless specific exclusion conditions have been met, the factor counts for the function(s) must represent all programs operated by the LEA.

For each type of factor, the count should represent a point-in-time to prevent double counting. For instance, if FTE teacher counts were taken for some programs in the fall and for others in the spring, teachers that were reassigned in the interim could be inadvertently counted in more than one program.

Factor counts (FTE, CU, or PT) should be taken at a time that best represents each factor and can correspond with other uses of the same factor, such as pupil transportation counts taken for reports on the transportation program.

Excluding Factors from the Count
The allocated method of distributing support costs is based on the premise that all programs benefit to some degree from the services provided by the support programs. If a program does not benefit from a support service program or if the program has already been direct-charged for its share of the support service costs, the specific factor count (FTE, CU, PT) that corresponds to the nonbenefiting program is to be excluded (subtracted) from the factor count for that program. For example, if the Continuation Schools program was already direct-charged for costs of school administration, or if it did not benefit at all from the Goal 0000 school administration costs, then the FTE count for the Continuation Schools program would be excluded under the school administration function.

Excluding factors from the count is an exception to the standardized allocation process and requires that documentation exists to substantiate the exclusion. If an instructional program did not benefit from the services of a support program and is being excluded from a factor count, both the instructional program administrator and the administrator of the support service program should confirm the exclusion. If the exclusion is being made because the instructional program has already been direct-charged for a particular support service cost, documentation verifying this should be kept as backup to the count of allocation factors.

**Transferring Allocated Costs**

Once allocation factors have been calculated, the allocated support costs can be distributed from Goal 0000, Undistributed, to each benefiting program as part of the program cost report process. LEAs are not required to record this transfer of allocated costs in their accounting ledgers.

For those LEAs that choose to record the distribution of these costs, the following is an example where total Goal 0000 costs in Function 3140, Health Services, are distributed to specific goals on the basis of the number of FTE teachers in each instructional goal. A ratio for each instructional setting is determined by dividing the total FTEs in each goal by the total of all FTEs. In this example, this ratio is then applied to the costs in Function 3140, Health Services, and the prorated costs are distributed using Object 5710, Transfers of Direct Costs. (*Note:* The schedule of allocated costs in the program cost report shows, by goal, the amount of support costs allocated to each program. LEAs may wish to use the figures provided by their completed program cost report as the basis for their accounting entries.)
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| Dr      | 01-0000-0-1110-3140-5710 | $500,000    | Regular Ed, K–12 |
| Dr      | 01-0000-0-6000-3140-5710 | $100,000    | ROC/P            |
| Dr      | 01-0000-0-3200-3140-5710 | $100,000    | Continuation Schools |
| Dr      | 01-0000-0-5001-3140-5710 | $150,000    | Special Education |
| Cr      | 01-0000-0-0000-3140-5710 | $850,000    | Undistributed    |

In the example, costs have been credited to Goal 0000, Undistributed, and debited to specific goals but not to specific resources, which matches the level of detail in the program cost report.

**Documenting Salaries and Wages to a Goal**

Salaries and wages charged to a specific goal require supporting documentation indicating how the costs relate to the goal. For federal funds or state restricted funds, personnel activity reports, activity work sheets, or equivalent documentation are generally necessary. For state unrestricted funds charged to a specific goal, a lesser level of documentation may be allowable as long as it is consistent and verifiable, such as costs documented to a goal by identification with a position in the personnel/payroll system, an individual's contract, or a class schedule with assigned student enrollment.

For a complete discussion of salary and wage documentation requirements, see Procedure 905.

If supporting documentation is not available for support costs charged to activities (functions) other than instruction, ancillary services, and community services, the costs should be charged as Goal 0000, Undistributed, and subsequently distributed to specific goals on the basis of appropriate program cost allocation factors (see "Allocating Support Costs Using Allocation Factors," page 910-5).

**Documenting Nonpersonnel Costs to a Goal**

Nonpersonnel costs charged to a specific goal should be substantiated by documentation that identifies the program(s) that received the service, supply, or equipment. The dated signature of a program administrator on a tracking document acknowledging receipt of the service, supply, or equipment is usually sufficient to validate the charge.
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Program Cost Reporting

Reporting program costs to CDE involves a series of work sheets that use general ledger data from the general fund and the charter schools funds, by goal and function, plus allocation factors (FTEs, CUs, PTs) for the distribution of support costs to specific goals. These work sheets are largely automated in CDE's SACS financial data collection software.
The following is a brief description of each work sheet:

- **Schedule of Direct-Charged Costs:** Summarizes, by goal and function, costs direct-charged to a goal.

- **Schedule of Allocation Factors for Support Costs:** Provides for entering allocation factors (full-time-equivalent teachers, classroom units, pupils transported) by goal for functions with costs in Goal 0000, Undistributed, or Goal 9000, Other Local Goals. The factors entered provide the basis for allocating support costs to programs.

- **Schedule of Allocated Support Costs:** Uses information from the allocation factor work sheet to assign a proportionate share of costs in goals 0000 and 9000 to each goal that has factors.

- **Schedule of Central Administration Costs:** Summarizes central administration costs (CACs) and shows the ratio, expressed as a percentage, of CAC costs to non-central-administration costs. This CAC ratio is similar but not identical to an LEA's indirect cost rate (see Procedure 915).

- **Schedule of Other Costs:** Summarizes food service, enterprise, facilities acquisition and construction, and other outgo function costs, which for program cost accounting purposes are not associated with a particular goal.

- **The Program Cost Report:** Compiles information from the previous schedules to display total costs from the general fund and charter schools funds by goal and category (e.g., direct-charged, allocated support, central administration). Also includes an "other" costs section.
Summary of Program Cost Guidelines

The following are summarized guidelines that show for each group of functions the program cost category, guidelines for charging to goals, and program cost allocation rules.

Function and Title

1000–1999 Instruction
- Direct instructional cost.
- Must be charged directly to a specific goal; may not be charged to Goal 0000, Undistributed; Special Education instruction functions may not be charged to Goal 5001, Special Education—Unspecified.
- Costs may not be allocated.

2100–2999 Instruction-Related Services
  2100 Supervision of Instruction
  2420 Instructional Library, Media, and Technology
  2490 Other Instructional Resources
- Support cost.
- May be charged directly to a specific goal when documentation exists; or may be accumulated in Goal 0000, Undistributed.
- May be reclassified to a specific goal or more appropriate function when documentation exists.
- Allocation basis is FTE (full-time-equivalent teachers).

2700 School Administration
- Support cost.
- May be charged directly to a specific goal when documentation exists and the school site offers only one type of program; or may be accumulated in Goal 0000, Undistributed.
- Allocation basis is FTE (full-time-equivalent teachers).

3000–3999 Pupil Services
  3110 Guidance and Counseling Services
  3120 Psychological Services
  3130 Attendance and Social Work Services
  3140 Health Services
  3150 Speech Pathology and Audiology Services
  3160 Pupil Testing Services
- Support cost.
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- May be charged directly to a specific goal when documentation exists; or may be accumulated in Goal 0000, Undistributed.

Function and Title

- May be reclassified to a specific goal or more appropriate function when documentation exists.
- Allocation basis is FTE (full-time-equivalent teachers).

3600 Pupil Transportation
- Support cost.
- May be charged directly to a specific goal when documentation exists; or may be accumulated in Goal 0000, Undistributed.
- May be reclassified to a specific goal or more appropriate function when documentation exists.
- Allocation basis is PT (pupils transported).

3700 Food Services
- "Other" cost.
- Generally charged to a specific goal if proper documentation exists; otherwise, costs are accumulated in Goal 0000, Undistributed.
- Costs may not be allocated.

3900 Other Pupil Services
- Support cost.
- May be charged directly to a specific goal when documentation exists; or may be accumulated in Goal 0000, Undistributed.
- May be reclassified to a specific goal or more appropriate function when documentation exists.
- Allocation basis is FTE (full-time-equivalent teachers).

4000–4999 Ancillary Services
- Direct instructional cost.
- Must be charged directly to one of the following goals: 1110–Regular Education; 3100–Alternative Schools; 3200–Continuation Schools; 3400–Opportunity Schools; 3700–Specialized Secondary Programs; 7100–Nonagency.
- Costs may not be allocated.

5000–5999 Community Services
- Direct instructional cost.
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- Must be charged directly to one of the following goals: 7100–Nonagency; 8100–Community Services; 8500–Child Care and Development Services.
- Costs may not be allocated.
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Function and Title

6000–6999 Enterprise
- "Other" cost.
- Costs are accumulated in Goal 0000, Undistributed.
- Costs may not be allocated.

7000–7999 General Administration
   7100 Board and Superintendent
   7190 External Financial Audit—Single Audit
   7191 External Financial Audit—Other
   7200 Other General Administration
   7700 Centralized Data Processing
- Central administration cost.
- Generally accumulated in Goal 0000, Undistributed.
- Distributed proportionately to programs on the basis of the total amount of direct costs (i.e., direct-charged together with allocated) in each goal.

8000–8999 Plant Services
   8100 Plant Maintenance and Operations
   8700 Facilities Rents and Leases
   - Support cost.
   - May be charged directly to a specific goal when documentation exists; or may be accumulated in Goal 0000, Undistributed.
   - May be reclassified to a specific goal or more appropriate function when documentation exists.
   - Allocation basis is CU (classroom units).

8500 Facilities Acquisition and Construction
- "Other" cost.
- Generally accumulated in Goal 0000, Undistributed.
- Costs may not be allocated.

9000–9999 Other Outgo
   9100 Debt Service
   9200 Transfers Between Agencies
   9300 Interfund Transfers
   - "Other" cost.
   - Generally accumulated in Goal 0000, Undistributed.
   - Costs may not be allocated.
**Procedure 915  Indirect Cost Rate**

Costs of a local educational agency (LEA) can be categorized as direct or indirect. A cost's related activity (e.g., instruction, school administration, pupil transportation, fiscal services) rather than its type (e.g., salaries, benefits, books, supplies) is what determines if it is a direct or indirect cost. Direct costs can be identified with a particular instructional program or support service necessary to maintain the program, whereas indirect costs are more global in nature.

Indirect costs are those costs of general management that are agencywide. General management costs consist of expenditures for administrative activities necessary for the general operation of the LEA (e.g., accounting, budgeting, payroll preparation, personnel management, purchasing, centralized data processing). The standardized method to recover indirect costs from federal and state programs without having to time-account for the general administrative support provided to each program is referred to as the indirect cost rate process.

The indirect cost rate process in California is based on the California Department of Education's (CDE's) federally approved indirect cost plan for K–12 LEAs, which include school districts, joint powers agencies, county offices of education, and charter schools. California's plan includes specific guidelines on indirect cost components, including the indirect cost pool, base costs, and the carry-forward adjustment.

The United States Department of Education has approved the fixed-with-carry-forward restricted rate methodology for calculating indirect cost rates for California LEAs. CDE has been delegated authority to calculate and approve indirect cost rates annually for LEAs. The delegation agreement number and effective period are available in a frequently asked questions document on CDE’s indirect cost Web page at http://www.cde.ca.gov/fg/ac/ic/icrfaq.asp.

Definitions of key indirect cost terms are provided beginning on page 915-13.

**Components of the Indirect Cost Rate Calculation**

In simple terms, an indirect cost rate is determined by dividing an agency's indirect costs by the majority of its other expenditures, or base costs.
However, the realities of the calculation are much more complex. Compliance with federal indirect cost guidelines requires that specific rules must be followed when expenditures are categorized as indirect or base costs. Fortunately for California, the majority of these rules are built into the function code within the standardized account code structure.

An LEA's general ledger data, in combination with a minimal amount of supplemental data, are used to categorize the LEA's expenditures as indirect costs, base costs, or excluded costs. The indirect costs become the numerator of the calculation, and the base costs are the denominator. Certain costs, such as debt service and facility construction, are excluded entirely from the calculation.

**Numerator of the Calculation**

The numerator of the indirect cost rate calculation—the indirect cost pool—is the cornerstone of the calculation. Costs in the pool come from the general fund and the charter school special revenue and/or charter school enterprise fund. There are three components to the numerator: indirect costs, general administration's share of certain plant services costs (e.g., maintenance and operations, facilities rents and leases), and the carry-forward adjustment.

- **Indirect costs** consist of agencywide expenditures for general management (administrative) activities that are not readily identifiable with a particular program but are necessary for the overall operation of the LEA (e.g., accounting, budgeting, payroll preparation, personnel management, purchasing, warehousing, centralized data processing). Generally, only administrative costs charged to an unrestricted funding source (resources 0000–1999) are included in the indirect cost pool. An exception is made for joint powers agencies, which are often funded from a single restricted source.

- **Certain plant services costs** (e.g., heating, lighting, custodial services) are also included in the indirect cost pool, but only the portion attributable to the general administrative offices. (See "Supplemental Data" on page 915-4 for further information on determination of the administrative portion of plant services costs.)
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The carry-forward adjustment is an after-the-fact adjustment for the difference between the indirect cost rate approved for use in a given year and the actual percentage (amount) of indirect costs incurred in that year. The carry-forward adjustment eliminates the need for LEAs to file amended federal reports when their actual indirect costs vary from estimated indirect costs. (See "Calculating the Rate" beginning on page 915-5 for an example that illustrates the use of the carry-forward adjustment.)

Denominator of the Calculation

Once indirect costs have been identified, the majority of the LEA's remaining costs in the general fund and charter school funds comprise the denominator of the calculation, referred to as base costs. Examples of base costs include:

- Instructional salaries and benefits.
- Program supplies.
- Contracts for instructional and support services.
- Board and superintendent services.
- Facility costs (plant maintenance and operations and facilities rents and leases), except for the minimal portion associated with the general administrative offices.

Base costs also include similar expenditures from four special revenue funds (adult education, cafeteria, child development, and foundation), the foundation permanent fund, and the cafeteria enterprise fund, because the activities in these funds generally benefit on an ongoing basis from the services provided by the LEA's general administrative offices.

Excluded Costs

Certain types of costs are distorting in nature or require relatively minimal general administrative support compared with the amount of dollars spent. Because these costs would distort the indirect cost process, they are excluded from both the numerator and denominator of the calculation of the indirect cost rate. Following are the notable categories of costs excluded from the calculation:
**Procedure 915 Indirect Cost Rate**

- **Subagreements for Services** (Object 5100), which include expenditures for subagreements and subawards pursuant to certain contracts, subcontracts, and subgrants.

- **Capital Outlay** (objects 6000–6999), which includes expenditures for items such as the acquisition of land; improvements to sites; construction or purchase of new buildings; books and media for new schools; major expansions of school libraries; and capitalized equipment.

- **Other Outgo** (objects 7000–7499) and **Other Financing Uses** (objects 7600–7699), which include expenditures for items such as tuition, excess cost payments, pass-through funds, transfers out, debt service, and transfers between funds.

- **Other Funds**, which include expenditures of certain governmental funds (e.g., deferred maintenance, capital facilities), the proprietary funds other than cafeteria, and the fiduciary funds.

For the same reasons that these costs are excluded from the calculation of the indirect cost rate, they are also excluded from pools of eligible program expenditures on which to charge indirect costs (see "Amount of Indirect Costs to Charge," page 915-7).

**Supplemental Data**

In some circumstances supplemental data may be required to accurately identify all indirect costs and to fully comply with federal indirect cost guidelines.

**Percent of administrative salaries and benefits.** Most facility costs (plant maintenance and operations and facilities rents and leases) are categorized as base costs in a restricted indirect cost rate calculation. However, the portion of facility costs attributable to the general administrative offices may be included in the indirect cost pool.

To ensure that LEAs use a standardized method of attributing facility costs associated with the general administrative offices, a "percentage of administrative salaries and benefits" factor is used in the indirect cost rate calculation. This ratio of salaries and
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benefits for administration is used as a proxy for the ratio of space used by administration, which spares LEAs the necessity of annually calculating the space used by administration compared with each of their other programs and activities.

When the ratio is calculated, an adjustment may be required in those occasional circumstances where costs for administrative salaries and benefits are understated because certain administrative services, although performed on site, are provided by contract rather than by the LEA's own employees. If this occurs, LEAs may provide supplemental data to adjust the ratio for costs relating to such services.

The ratio of administrative salaries and benefits to other salaries and benefits is then multiplied by the costs of plant maintenance and operations and facilities rents and leases to assign to the indirect cost pool an "administrative offices" share of these facility costs.

Employment separation costs. Some costs relating to employees’ separation from service may have restrictions on how they can be charged (see Procedure 655, Employment Separation Costs).

"Normal" separation costs are unallowable as direct costs to most federal programs and possibly to some state programs. When unallowable as direct costs, they are allowed as indirect costs. Normal separation costs that are unallowable as direct costs to a restricted program are charged to the same goal, function, and object as the employee's regular salary, but they are charged to an unrestricted resource. The LEA may then provide supplemental data to include these costs in the indirect cost pool.

"Abnormal or mass" separation costs, such as retirement incentives or contract buyouts, are normally unallowable either as direct costs or indirect costs to most federal programs and possibly to some state programs. Abnormal or mass separation costs that are unallowable as direct costs to a restricted program are charged to the same goal, function, and object as the employee’s regular salary, but they are charged to an unrestricted resource. Where an LEA has incurred abnormal or mass separation costs for employees charged to the indirect cost pool (Function 7200, Other General Administration, or Function 7700, Centralized Data
Procedure 915  Indirect Cost Rate

Processing), the LEA must provide supplemental data to exclude these costs from the pool.

Calculating the Rate

The actual calculation of the indirect cost rate includes components from both the current year plus the second prior year (two years before the current period). The rate based on these data will then be used in the second subsequent fiscal year (two years after the current period). This span of time is characteristic of the fixed-with-carry-forward type of rate calculation.

The following example uses 2009-10 as the current reporting period and illustrates the fiscal years affected by the indirect cost rate calculation:

In 2009-10, indirect costs are charged to programs using an indirect cost rate that was calculated and approved using 2007-08 data as an estimate of the indirect costs that would be incurred in 2009-10. The calculated difference between the indirect costs that theoretically could be charged to programs in 2009-10 based on this approved rate, and the indirect costs actually incurred in that year (i.e., the theoretical over- or under-recovery of indirect costs), is called a carry-forward adjustment.

Then, based on the actual indirect costs and base costs incurred in 2009-10 and the carry-forward adjustment, a new indirect cost rate will be calculated for use in 2011-12.

Note that the carry-forward adjustment for over-recovered costs is calculated using either the lesser of the LEA’s approved rate for that year, or the highest rate that the LEA actually used to recover costs from any program in that year, if the rate used was less than the approved rate. The carry-forward adjustment for under-recovered costs is calculated using the LEA’s approved rate.

Where an LEA’s carry-forward adjustment is negative, and where the negative carry-forward adjustment would cause the proposed rate to fall below zero or would reduce the rate at which the LEA could recover indirect costs to such


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an extent that the LEA would sustain significant fiscal harm, the LEA may request that the carry-forward adjustment be allocated over more than one year.

LEAs submit their preliminary proposed indirect cost rates annually to CDE along with their unaudited actual financial statement data. An automated work sheet (Form ICR) in the financial reporting software calculates LEA indirect cost information. (See page 915-11 for an excerpt from the work sheet.) The work sheet uses both general ledger data (for indirect and base costs) and minimal amounts of supplemental data (see page 915-4).

These general ledger and supplemental data, along with certain second prior year indirect cost information, produce both a straight percentage of indirect costs (the indirect cost pool divided by base costs) and the fixed-with-carry-forward restricted indirect cost rate (the indirect cost pool, adjusted by the carry-forward calculation, then divided by base costs). The straight percentage of indirect costs is only for informational purposes and not for use in recovering indirect costs from programs. The fixed-with-carry-forward restricted indirect cost rate, once approved by CDE, is the rate that should be used to recover indirect costs.

**Using the Rate**

Approved indirect cost rates for K–12 LEAs, including charter schools, are posted online annually at [http://www.cde.ca.gov/fg/ac/ic](http://www.cde.ca.gov/fg/ac/ic), usually in early spring. The rates may be used, as appropriate, to budget, allocate, and recover indirect costs for federal programs, grants, and other assistance governed by the Office of Management and Budget (OMB) Circular A-87, the *Education Department General Administrative Regulations* (EDGAR), and the *Code of Federal Regulations* (CFR), Title 34. The rates may also be used for state programs, subject to any restrictions that may govern the individual programs.

**Indirect Cost Rates for Individual Schools**

Individual schools may use an indirect cost rate not to exceed their school district's rate (or county office of education's rate, if applicable). An exception to this is charter schools, which have separate indirect cost rate guidelines. The Web site given earlier includes a list of rates for school
districts and county offices of education that should be used by noncharter schools, together with a separate listing of charter school rates.

**Guidelines for Claiming Indirect Costs**

Specific guidelines for charging indirect costs may vary by program. The following are general guidelines for using the indirect cost rate.

- **Budgeting.** An estimate of indirect costs may be used for budgeting purposes. If a program has a set award amount, it is important to budget indirect costs that fit within the award amount rather than add them to the award amount. To do this, and assuming for this example that none of the award amount will be spent on excluded costs (see page 915-3), divide the award amount by 1.xx, where xx equals the decimal equivalent of the approved indirect cost rate, then subtract the result from the original award amount to arrive at the amount of budgeted indirect costs. For example, using 8 percent as the approved rate and $10,000 as the award amount, divide $10,000 by 1.08, equaling $9,259.26, and then subtract $9,259.26 from $10,000, equaling $740.74, which is the amount that may be budgeted for indirect costs ($9,259.26 + $740.74 = $10,000).

- **Amount of Indirect Costs to Charge.** The claiming of indirect costs must be done based on actual program expenditures rather than budget estimates. The maximum amount of indirect costs that may be charged to an award in a year is determined by multiplying the total direct costs of the award, less any excluded costs (see page 915-3), by the restricted indirect cost rate. In terms of SACS, this generally equates to totaling the program expenditures in objects 1000–5999, except Object 5100, and multiplying that total by the indirect cost rate approved for use with the program. Expenditures in objects 5100, 6000, and 7000 are excluded from the indirect cost process (both when the rates are calculated and indirect costs are claimed) because they receive only a minimal amount of general administrative support compared with the amount of dollars spent, and to include them would distort the process.

LEAs have the option of charging less than the approved rate when recovering indirect costs. However, indirect costs not claimed
under one award may not be shifted to another award unless specifically authorized by legislation or regulation.

- **Program Limitations on Charging Indirect Costs.** The approved indirect cost rate provides the starting point for charging indirect costs to a program. Funding applications or award letters should be consulted to determine whether programs limit or prohibit the claiming of indirect costs. Some of the more common limitations include:

  1. Limiting the indirect cost rate to the lesser of the LEA's approved rate or a program's capped rate.

  2. Limiting the indirect cost rate to the lesser of the LEA's approved rate or a statewide average rate, such as for the food service or adult education programs. Information on these statewide average rates is available at [http://www.cde.ca.gov/fg/ac/ic/icrfsae.asp](http://www.cde.ca.gov/fg/ac/ic/icrfsae.asp).

  3. Having an administrative cost cap that limits the combination of direct program administration and indirect costs charged to the program.

  4. Not allowing indirect costs (i.e., requiring that the entire award amount be spent on direct costs).

As a help in identifying the indirect cost rules for most programs, a SACS resource code query system is available on the Internet at [http://www2.cde.ca.gov/sacsquery/querybyresource.asp](http://www2.cde.ca.gov/sacsquery/querybyresource.asp). The data provided for each resource code (i.e., funding source) include the general guidelines for claiming indirect costs.

- **Administrative Cost Caps.** Indirect costs are usually a subset of the broader category of administrative costs (see page 915-13). A program with an administrative cost cap should be reviewed to determine what limitations there might be on the recovery of indirect costs. For example, in a program that has a 15 percent administrative cost cap that encompasses both direct program administration and indirect costs, if the LEA has already spent amounts equal to 11 percent of eligible program costs on direct program administration, then it can claim only an additional 4 percent of eligible program costs for indirect costs even if the
LEA's approved indirect cost rate is higher than 4 percent. Eligible program costs on which indirect costs can be charged are discussed on pages 915-7 and 915-9.

- **Multiple-Year Awards.** For program awards that cover more than one year, a single rate may not be used to recover indirect costs for the entire award; the indirect cost rate used must change as the year changes. For programs that follow the federal fiscal year (October 1 to September 30), the rates are applied using the state fiscal year as the basis. For example, the approved rate for the initial year is used for expenditures made October 1 through June 30, and the approved rate for the next year is used for expenditures made July 1 through September 30.

- **Eligible Funds and Costs.** The indirect cost rate is appropriate for use with only those operating funds and costs that are part of the calculation. For instance, costs in objects 1000–5999 (except Object 5100), in Fund 01 (general), funds 09 and 62 (charter schools), Fund 11 (adult education), Fund 12 (child development), funds 13 and 61 (cafeteria), and funds 19 and 57 (foundation) are part of the indirect cost rate calculation; therefore, expenditures in these fund and object combinations may generally have indirect costs charged against them. Costs in objects that are excluded from the calculation of the rate (e.g., subagreements for services, capital outlay, other outgo) and in funds excluded from the calculation (e.g., deferred maintenance, capital facilities) should not have indirect costs charged against them.

**Indirect Costs, Central Administration, and Program Administration**

For California LEAs, three cost accounting concepts are similar but not identical: indirect costs, central administration costs, and overall program administrative costs.

- **Indirect costs** in the restricted indirect cost rate calculation include agencywide general administration costs such as accounting, budgeting, payroll preparation, personnel management, purchasing, warehousing, and centralized data processing services, plus the minimal portion of facility costs (plant maintenance and operations and facilities rents and leases) spent in support of the general administration activities/offices.
Procedure 915   Indirect Cost Rate

- **Central administration costs** are a component of program cost accounting (see Procedure 910) and include indirect costs as described above, less the facility costs attributed to general administration, plus costs for the school board and superintendent.

- **Overall program administration costs**, in the context of indirect cost determinations or administrative cost caps, generally refers to administrative costs direct-charged to the program together with indirect costs charged to the program (see page 915-13). However, individual programs may have different definitions of administrative costs. There is currently no single definition that applies to all programs.

Because there are differences in the three cost pools, percentages or ratios calculated from them will differ. Although these differences could be minor, the three cost pools have unique purposes and are not interchangeable.

Transferring Indirect Costs

Specific function and object codes are defined in the standardized account code structure to aid in tracking the transfer of indirect costs between programs:

- Function 7210, Indirect Cost Transfers
- Object 7310, Transfers of Indirect Costs
- Object 7350, Transfers of Indirect Costs—Interfund

Where a program authorizes charges for administrative costs on a basis other than the indirect cost rate, the costs should not be transferred as indirect costs. They should either be charged directly to the program or transferred to the program as direct costs.

Indirect and direct cost transfers are illustrated in Procedure 615.
Procedure 915  Indirect Cost Rate

Indirect Cost Rate Work Sheet: Sample Calculation

Unless otherwise specified, expenditures are for the General Fund and Charter Schools Funds and include all goals that also contain objects 1000-5999 (certificated salaries, classified salaries, employee benefits, books and supplies, and services and other operating expenditures). Excluded from the calculation are costs of subagreements for services, capital outlay (sites and improvement of sites, buildings and improvements of buildings, capitalized equipment) and other outgo (tuition, transfers out to other LEAs, debt service).

A. Indirect Costs (numerator)

1. Other General Administration (fiscal services, personnel/human resources, central support) (Functions 7200–7600, except for portion charged to restricted resources or specific goals)

2. Centralized Data Processing (Function 7700, except for portion charged to restricted resources or specific goals)

3. External Financial Audit – Single Audit (Function 7190, except for portion charged to restricted resources or specific goals)

4. Staff Relations and Negotiations (Function 7120, except for portion charged to restricted resources or specific goals)

5. Plant Maintenance and Operations, portion relating to general administrative offices only (Functions 8100–8400, times the percentage of total salaries and benefits attributable to other general administration and centralized data processing [salaries and benefits are used as proxy for square footage attributable to general administration])

6. Facilities Rents and Leases, portion relating to general administrative offices only (Function 8700, times the percentage of total salaries and benefits attributable to other general administration and centralized data processing [salaries and benefits are used as proxy for square footage attributable to general administration])

7a. Employment Separation Costs: Normal separation costs paid from unrestricted resources on behalf of positions charged to restricted resources may be included in the indirect cost pool

7b. Employment Separation Costs: Abnormal or mass separation costs paid from unrestricted resources on behalf of general administrative positions charged to Functions 7200–7700 must be eliminated from the indirect cost pool

8. Total Indirect Costs (sum of lines A1 through A7a, minus line A7b)

9. Carry-Forward Adjustment for over- or under-recovery of indirect costs (over-recovery is subtracted, under-recovery is added)

10. Total Adjusted Indirect Costs (line A8 plus line A9)
Procedure 915    Indirect Cost Rate

B. Base Costs (denominator)

1. Instruction (Functions 1000–1999)
2. Instruction-Related Services (Functions 2000–2999)
3. Pupil Services (Functions 3000–3999)
4. Ancillary Services (Functions 4000–4999)
5. Community Services (Functions 5000–5999)
6. Enterprise (Function 6000)
7. Board and Superintendent (Functions 7100–7180, including portion of Function 7120 not included in Line A4)
8. External Financial Audit—Other (Function 7191) and Single Audit (Function 7190, portion not included in Line A3)
9. Other General Administration, portion charged to restricted resources or specific goals (Functions 7200–7600, portion not included in Line A1)
10. Centralized Data Processing, portion charged to restricted resources or specific goals (Function 7700, portion not included in Line A2)
11. Plant Maintenance and Operations, except portion relating to general administrative offices (Functions 8100–8400, except for portion included in Line A5)
12. Facilities Rents and Leases, except portion relating to general administrative offices (Function 8700, except for portion included in Line A6)
13a. Employment Separation Costs: Normal separation costs paid from unrestricted resources on behalf of positions charged to restricted resources, included in the indirect cost pool in Line A7a
13b. Employment Separation Costs: Abnormal or mass separation costs paid from unrestricted resources on behalf of general administrative positions charged to Functions 7200–7700, eliminated from the indirect cost pool on Line A7b
14. Adult Education (Fund 11, Functions 1000–6999, 8100–8400, and 8700)
15. Child Development (Fund 12, Functions 1000–6999, 8100–8400, and 8700)
16. Cafeteria (Funds 13 and 61, Functions 1000–6999, 8100–8400, and 8700)
17. Foundation (Funds 19 and 57, Functions 1000–6999, 8100–8400, and 8700)
18. Total Base Costs (sum of lines B1 through B12 and B13b through B17, minus Line B13a)
Procedure 915   Indirect Cost Rate

C. **Straight Indirect Cost Percentage** (before carry-forward adjustment) (line A8 divided by line B18)

D. **Indirect Cost Rate** (fixed with carry-forward rate for use in second subsequent fiscal year, subject to CDE approval) (line A10 divided by line B18)

*Note:* The following expenditures are excluded from the indirect cost rate calculation and therefore cannot have indirect costs charged against them when indirect costs are claimed: Subagreements for Services (Object 5100); Capital Outlay (Objects 6000–6999); Other Outgo (Objects 7000–7499); Other Financing Uses (Objects 7600–7699); Facilities Acquisition and Construction (Function 8500); and Debt Service, Transfers Between Agencies, and Interfund Transfers (Functions 9000–9999) (see page 915-8, Amount of Indirect Costs to Charge).
Procedure 915  Indirect Cost Rate

Definitions of Indirect Cost Terms

Administrative costs. Any costs, indirect or direct, that are administrative in nature and support the management of a program. Costs of program administration may encompass both direct costs (e.g., salaries of program administrators, costs of program monitoring and preparing program plans) and indirect costs (e.g., personnel/human resources, accounting, and procurement).

Pursuant to the U.S. Department of Education's Indirect Cost Determination: Guidance for State and Local Government Agencies, various education programs have statutory or regulatory limitations on the costs of administration, which can encompass both personnel and non-personnel costs and both direct and indirect costs. Therefore, the statutory or regulatory limitation applies to the combined charges for indirect costs and direct program administration costs.

Approved rate. Same as indirect cost rate.

Base costs. Pool of direct costs from the general, charter schools, adult education, cafeteria, child development, and foundation funds minus any excluded costs, such as subagreements for services, major equipment purchases, facility construction, debt service, and transfers to other agencies.

Carry-forward adjustment. An adjustment used in calculating the indirect cost rate where the difference between the estimated indirect costs and the actual indirect costs is "carried forward." The adjustment takes into account (1) the LEA's approved indirect cost rate for the year, (2) the original carry-forward amount used to calculate that rate, and (3) that year's estimated indirect costs (i.e., base costs times the approved rate).

Consistent cost treatment. Costs incurred for the same purpose in like circumstances should be treated as only direct or only indirect. A cost may not be charged to a program as a direct cost if other costs incurred for the same purpose are allocated to programs as an indirect cost.

For example, if an employee provides services that would normally be performed by the business office, the cost should be charged as an indirect cost activity (Function 7200) even if the employee spends 100 percent of
his or her time working on a particular program. This consistent cost treatment prevents a program from being charged for business office services as a direct cost and then again when indirect costs are charged to the program. However, if an employee provides supplemental services above the level provided by the business office or if he or she provides services normally required of program managers, the cost would be considered a project-related administration cost (Function 2150) rather than an indirect cost.

Direct costs. Costs that provide measurable, direct benefits to particular programs, including costs for instructional programs, and support costs that relate to the peripheral services necessary to maintain the instructional programs. Examples of direct costs include salaries and benefits of teachers and instructional aides, payments for textbooks, instructional supply purchases, and pupil service costs (e.g., counseling, health services, pupil transportation).

Estimated indirect costs. The amount of indirect costs arrived at by multiplying the base costs by the approved rate for that year.

Excluded costs. Costs excluded from the indirect cost rate calculation because the activities are distorting in nature or require relatively minimal general administrative support compared to the amount of dollars spent. For example, subagreements for services, capital outlay (sites, improvement of sites, buildings, improvement of buildings, new or major expansions of school libraries, capitalized equipment), and other outgo (tuition, transfers to other agencies, debt service, financing uses).

Fixed-with-carry-forward. For California LEAs, the restricted indirect cost rate is computed and "fixed" for a specific period on the basis of an estimate of that period's level of operations. Once the actual costs of that period are known, the difference between the estimated and actual indirect costs is "carried forward" as an adjustment to the new calculation.

Form ICR. A work sheet within CDE's financial data collection software that calculates the LEA's percentage of indirect costs and its fixed-with-carry-forward indirect cost rate.

Function code. The field in the standardized account code structure that identifies a cost's general operational area and distinguishes whether it is an indirect or base cost.
Procedure 915  Indirect Cost Rate

Indirect cost percentage. A percentage arrived at by dividing the current period's indirect costs by the base costs.

Indirect cost pool. The indirect costs of the agency together with the portion of plant maintenance and operations and facilities rents and leases spent in support of indirect cost activities (i.e., general administration offices).

Indirect cost rate (ICR). An allocation technique used to distribute indirect costs to federal, state, and local programs. The indirect cost rate is the ratio (expressed as a percentage) of the adjusted indirect costs to the direct base costs. For California LEAs, the indirect cost rate represents a fixed-with-carry-forward restricted indirect cost rate used to recover indirect costs from federal and state programs.

Indirect costs. Agencywide general management costs not readily identifiable with a particular program but necessary for the overall operation of the agency (e.g., costs of accounting, budgeting, payroll preparation, personnel management, purchasing, warehousing, centralized data processing).

OMB Circular A-87. The Office of Management and Budget (OMB) Circular A-87, titled Cost Principles for State, Local, and Indian Tribal Governments. OMB Circular A-87 includes the general cost principles that govern California's indirect cost plan and process. Note: OMB Circular A-87 was relocated August 31, 2005, to Title 2 in the Code of Federal Regulations (2 CFR), Subtitle A, Chapter II, part 225.

Restricted rate. Same as indirect cost rate.
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Appendix A  Analysis of Salaries

This list provides guidance to LEAs on the object and function combinations that may be used for various job positions. It is not intended to be an all-inclusive list; rather, it is a representative sample on which LEAs can expand. Optional functions, where shown, are in *italics*.

<table>
<thead>
<tr>
<th>Salary Object Classification</th>
<th>Function</th>
<th>Position Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1100 Teachers</td>
<td>1190</td>
<td>Teacher, Adaptive Physical Education</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Teacher, Assistant (credentialed)</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Teacher, Coach, P.E. (credentialed)</td>
</tr>
<tr>
<td></td>
<td>1120</td>
<td>Teacher, Resource Specialist</td>
</tr>
<tr>
<td></td>
<td>1190</td>
<td>Teacher, Speech</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Teachers, Student (permit)</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Teacher, Substitute</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Teacher, Tutor (credentialed)</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Certificated Playground Supervisor</td>
</tr>
<tr>
<td></td>
<td>4000</td>
<td>Stipend to Teacher for Extracurricular Activities</td>
</tr>
<tr>
<td>1200 Certificated Pupil Support</td>
<td>2420</td>
<td>Librarian</td>
</tr>
<tr>
<td></td>
<td>3110</td>
<td>Counselor, Pupil/Parent</td>
</tr>
<tr>
<td></td>
<td>3120</td>
<td>Psychologist</td>
</tr>
<tr>
<td></td>
<td>3130</td>
<td>Child Welfare/Attendance (SARB)</td>
</tr>
<tr>
<td></td>
<td>3130</td>
<td>Social Worker</td>
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<tr>
<td></td>
<td>3140</td>
<td>Nurse</td>
</tr>
<tr>
<td></td>
<td>3140</td>
<td>Dental Hygienist (credentialed)</td>
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<tr>
<td></td>
<td>3140</td>
<td>Dentist (credentialed)</td>
</tr>
<tr>
<td></td>
<td>3150</td>
<td>Audiologist (credentialed)</td>
</tr>
<tr>
<td>1300 Certificated Supervisors and Administrators</td>
<td>2700</td>
<td>Dean</td>
</tr>
<tr>
<td></td>
<td>2700</td>
<td>Dean, Assistant</td>
</tr>
<tr>
<td></td>
<td>2700</td>
<td>Principal</td>
</tr>
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<td></td>
<td>2700</td>
<td>Principal, Assistant</td>
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<td></td>
<td>2700</td>
<td>Registrar (credentialed)</td>
</tr>
<tr>
<td></td>
<td>2700</td>
<td>Vice-Principal</td>
</tr>
<tr>
<td></td>
<td>Various</td>
<td>Coordinator</td>
</tr>
<tr>
<td></td>
<td>Various</td>
<td>Director</td>
</tr>
<tr>
<td></td>
<td>Various</td>
<td>Specialist</td>
</tr>
</tbody>
</table>
## Appendix A  Analysis of Salaries

<table>
<thead>
<tr>
<th>Salary Object Classification</th>
<th>Function</th>
<th>Position Title</th>
</tr>
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<tbody>
<tr>
<td>Various</td>
<td>Supervisor</td>
<td></td>
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<tr>
<td>2100</td>
<td>Superintendent, Assistant, Instruction</td>
<td></td>
</tr>
<tr>
<td>7100</td>
<td>Superintendent (credentialed)</td>
<td></td>
</tr>
<tr>
<td>7200</td>
<td>Superintendent, Assistant, Finance (if credential is required)</td>
<td></td>
</tr>
<tr>
<td>2700</td>
<td>Stipend to Teacher for Academic Department Chair</td>
<td></td>
</tr>
<tr>
<td>1900 Other Certificated</td>
<td>2100</td>
<td>Program Specialist, Special Education</td>
</tr>
<tr>
<td></td>
<td>2100</td>
<td>Program Specialist, Other</td>
</tr>
<tr>
<td></td>
<td>2100/2140</td>
<td>Mentor Teacher Stipend</td>
</tr>
<tr>
<td></td>
<td>2490</td>
<td>Resource Specialist–Not Classroom</td>
</tr>
<tr>
<td></td>
<td>5000/5400</td>
<td>Civic Center Employees (credentialed) (Education Code Section 38130 et seq.)</td>
</tr>
<tr>
<td>2100 Instructional Aides</td>
<td>1000</td>
<td>Bilingual Teacher Aide</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Classroom Teacher Aide</td>
</tr>
<tr>
<td></td>
<td>1130</td>
<td>Special Education Classroom Interpreter</td>
</tr>
<tr>
<td></td>
<td>1000</td>
<td>Teacher Aide Substitute</td>
</tr>
<tr>
<td></td>
<td>1190</td>
<td>Orientation and Mobility Therapist (not credentialed)</td>
</tr>
<tr>
<td></td>
<td>4000</td>
<td>Coach, Classified (after school)</td>
</tr>
<tr>
<td>2200 Classified Support</td>
<td>2420</td>
<td>Media Aide</td>
</tr>
<tr>
<td></td>
<td>2420</td>
<td>Library Aide</td>
</tr>
<tr>
<td></td>
<td>2420</td>
<td>Computer Lab Technician</td>
</tr>
<tr>
<td></td>
<td>3110</td>
<td>Career Center Assistant</td>
</tr>
<tr>
<td></td>
<td>3120</td>
<td>Psychologist (classified)</td>
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<tr>
<td></td>
<td>3150</td>
<td>Audiologist (classified)</td>
</tr>
<tr>
<td></td>
<td>3150</td>
<td>Audiometrist (classified)</td>
</tr>
<tr>
<td></td>
<td>3140</td>
<td>Health Aide</td>
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<tr>
<td></td>
<td>3600</td>
<td>Bus Driver</td>
</tr>
<tr>
<td></td>
<td>3600</td>
<td>Bus Mechanic</td>
</tr>
<tr>
<td></td>
<td>3700</td>
<td>Cook</td>
</tr>
<tr>
<td></td>
<td>3700</td>
<td>Nutritionist</td>
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<tr>
<td></td>
<td>2420</td>
<td>Instruction-related Data Processing Computer Operator</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Centralized Data Processing Computer Operator</td>
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<tr>
<td></td>
<td>7500</td>
<td>Warehouse Worker</td>
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<td></td>
<td>8100</td>
<td>Custodian</td>
</tr>
<tr>
<td></td>
<td>8100</td>
<td>Delivery Person</td>
</tr>
<tr>
<td></td>
<td>8100</td>
<td>Gardener</td>
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</table>
## Appendix A  Analysis of Salaries

<table>
<thead>
<tr>
<th>Salary Object Classification</th>
<th>Function</th>
<th>Position Title</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>8100</td>
<td>Maintenance Worker</td>
</tr>
<tr>
<td></td>
<td>8100/8300</td>
<td>Guard</td>
</tr>
<tr>
<td></td>
<td>4000/4100</td>
<td>Stage Hand</td>
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<tr>
<td></td>
<td>3130</td>
<td>Truancy Officer</td>
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<tr>
<td></td>
<td>4000/4100</td>
<td>Student Employee for Ancillary Events</td>
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<tr>
<td></td>
<td>8100/8300</td>
<td>Crossing Guard</td>
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<tr>
<td></td>
<td>2490/2495/5000</td>
<td>Child Care Personnel (noninstructional)</td>
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<td>Various</td>
<td>2300 Classified Supervisors and Administrators</td>
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<tr>
<td></td>
<td>7100</td>
<td>Governing Board Member</td>
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<td></td>
<td>7100</td>
<td>Superintendent (not credentialed)</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Accountant, Chief</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Business Manager</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Controller</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Assistant Superintendent, Finance</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Personnel Commission Member</td>
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<tr>
<td></td>
<td>7200</td>
<td>Purchasing Director/Manager</td>
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<tr>
<td>Various</td>
<td>2400 Clerical, Technical, and Office Staff</td>
<td>7200</td>
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<tr>
<td></td>
<td>7200</td>
<td>Bookkeeper</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Buyer (LEA-wide purchasing)</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>Duplicating Machine Operator</td>
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<tr>
<td></td>
<td>7700</td>
<td>Computer Operator (centralized data processing)</td>
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<td></td>
<td>7700</td>
<td>Programmer or Analyst (centralized data processing)</td>
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<td></td>
<td>2420</td>
<td>Computer Services Technician (instruction-related)</td>
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<tr>
<td></td>
<td>7700</td>
<td>Computer Services Technician (centralized data processing)</td>
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<tr>
<td></td>
<td>2700/7200</td>
<td>Attendance Clerk</td>
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<td>Clerk</td>
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<tr>
<td>Various</td>
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<td>Secretary</td>
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<td>2900 Other Classified</td>
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<td>Students (instructional purposes only)</td>
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<td>1000</td>
<td>Noon Duty Personnel</td>
</tr>
<tr>
<td></td>
<td>5000/5400</td>
<td>Civic Center Aides</td>
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### Appendix A  Analysis of Salaries

<table>
<thead>
<tr>
<th>Salary Object Classification</th>
<th>Function</th>
<th>Position Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>8500</td>
<td></td>
<td>Building Inspectors</td>
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Appendix A  Analysis of Salaries

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Appendix B  Normal Balances of Balance Sheet Accounts

Chart of Accounts

<table>
<thead>
<tr>
<th>Assets</th>
<th>Normal Balance</th>
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<tbody>
<tr>
<td>9110 Cash in County Treasury</td>
<td>Dr</td>
</tr>
<tr>
<td>9111 Fair Value Adjustment to Cash in County Treasury</td>
<td>Dr</td>
</tr>
<tr>
<td>9120 Cash in Bank(s)</td>
<td>Dr</td>
</tr>
<tr>
<td>9130 Revolving Cash Account</td>
<td>Dr</td>
</tr>
<tr>
<td>9135 Cash with a Fiscal Agent/Trustee</td>
<td>Dr</td>
</tr>
<tr>
<td>9140 Cash Collections Awaiting Deposit</td>
<td>Dr</td>
</tr>
<tr>
<td>9150 Investments</td>
<td>Dr</td>
</tr>
<tr>
<td>9200 Accounts Receivable</td>
<td>Dr</td>
</tr>
<tr>
<td>9290 Due from Grantor Governments</td>
<td>Dr</td>
</tr>
<tr>
<td>9310 Due from Other Funds</td>
<td>Dr</td>
</tr>
<tr>
<td>9320 Stores</td>
<td>Dr</td>
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<tr>
<td>9330 Prepaid Expenditures (Expenses)</td>
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<tr>
<td>9340 Other Current Assets</td>
<td>Dr</td>
</tr>
<tr>
<td>9410 Land</td>
<td>Dr</td>
</tr>
<tr>
<td>9420 Improvements of Sites</td>
<td>Dr</td>
</tr>
<tr>
<td>9425* Accumulated Depreciation—Improvements of Sites</td>
<td>Dr</td>
</tr>
<tr>
<td>9430 Buildings</td>
<td>Dr</td>
</tr>
<tr>
<td>9435* Accumulated Depreciation—Buildings</td>
<td>Dr</td>
</tr>
<tr>
<td>9440 Equipment</td>
<td>Dr</td>
</tr>
<tr>
<td>9445* Accumulated Depreciation—Equipment</td>
<td>Dr</td>
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<tr>
<td>9450 Work in Progress</td>
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</table>

<table>
<thead>
<tr>
<th>Liabilities</th>
<th>Normal Balance</th>
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<tbody>
<tr>
<td>9500 Accounts Payable (Current Liabilities)</td>
<td>Cr</td>
</tr>
<tr>
<td>9590 Due to Grantor Governments</td>
<td>Cr</td>
</tr>
<tr>
<td>9610 Due to Other Funds</td>
<td>Cr</td>
</tr>
<tr>
<td>9620 Due to Student Groups/Other Agencies</td>
<td>Cr</td>
</tr>
<tr>
<td>9640 Current Loans</td>
<td>Cr</td>
</tr>
</tbody>
</table>

*Accumulated depreciation accounts are contra-asset accounts that reduce the carrying value of the capital assets to which they relate. Accumulated depreciation accounts may technically be reported either as debit accounts with negative balances or as credit accounts with positive balances. For clarity of presentation and consistency of LEA data statewide, accumulated depreciation accounts shall be reported as debit accounts with their credit balances displayed as negatives.
### Appendix B  Normal Balances of Balance Sheet Accounts

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Balance Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>9650</td>
<td>Deferred Revenue</td>
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<tr>
<td>9661</td>
<td>General Obligation Bonds Payable</td>
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<tr>
<td>9662</td>
<td>State School Building Loans Payable</td>
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<tr>
<td>9664</td>
<td>Net OPEB Obligation</td>
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<tr>
<td>9665</td>
<td>Compensated Absences Payable</td>
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<tr>
<td>9666</td>
<td>Certificates of Participation (COPs) Payable</td>
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<tr>
<td>9667</td>
<td>Capital Leases Payable</td>
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<tr>
<td>9668</td>
<td>Lease Revenue Bonds Payable</td>
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<tr>
<td>9669</td>
<td>Other General Long-Term Debt</td>
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<tr>
<td>9711</td>
<td>Nonspendable Revolving Cash</td>
<td>Cr</td>
</tr>
<tr>
<td>9712</td>
<td>Nonspendable Stores</td>
<td>Cr</td>
</tr>
<tr>
<td>9713</td>
<td>Nonspendable Prepaid Items</td>
<td>Cr</td>
</tr>
<tr>
<td>9719</td>
<td>All Other Nonspendable Assets</td>
<td>Cr</td>
</tr>
<tr>
<td>9720</td>
<td>Reserve for Encumbrances</td>
<td>Cr</td>
</tr>
<tr>
<td>9740</td>
<td>Restricted Balance</td>
<td>Cr</td>
</tr>
<tr>
<td>9750</td>
<td>Stabilization Arrangements</td>
<td>Cr</td>
</tr>
<tr>
<td>9760</td>
<td>Other Commitments</td>
<td>Cr</td>
</tr>
<tr>
<td>9780</td>
<td>Other Assignments</td>
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<tr>
<td>9789</td>
<td>Reserve for Economic Uncertainties</td>
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<tr>
<td>9790</td>
<td>Unassigned/Unappropriated</td>
<td>Cr</td>
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<tr>
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<td>Beginning Fund Balance</td>
<td>Cr</td>
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<tr>
<td>9793</td>
<td>Audit Adjustments</td>
<td>Cr</td>
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<tr>
<td>9795</td>
<td>Other Restatements</td>
<td>Cr</td>
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<tr>
<td>9796</td>
<td>Capital Assets, Net of Related Debt</td>
<td>Cr</td>
</tr>
<tr>
<td>9797</td>
<td>Restricted Net Assets</td>
<td>Cr</td>
</tr>
<tr>
<td>9810</td>
<td>Estimated Revenue</td>
<td>Dr</td>
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<tr>
<td>9815</td>
<td>Estimated Other Financing Sources (Optional)</td>
<td>Dr</td>
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<td>Appropriations</td>
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<td>Encumbrances</td>
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<td>Expenditures</td>
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### Fund Balance

<table>
<thead>
<tr>
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</tr>
<tr>
<td>9797</td>
<td>Restricted Net Assets</td>
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### Budgetary Accounts

<table>
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<td>9830</td>
<td>Encumbrances</td>
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### Control Accounts

<table>
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<tbody>
<tr>
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<tr>
<td>9850</td>
<td>Expenditures</td>
<td>Dr</td>
</tr>
<tr>
<td>9855</td>
<td>Other Financing Uses (Optional)</td>
<td>Dr</td>
</tr>
</tbody>
</table>

### Nonoperating Accounts
Appendix B Normal Balances of Balance Sheet Accounts

9910 Suspense Clearing ......................................................................................Dr, Cr
A

Abatement. A complete or partial cancelation of an expenditure or revenue.

Abatement of expenditures. Cancelation of part or all of a charge previously made, usually because of refunds, rebates, resale of materials originally purchased by the local educational agency (LEA), or collections for loss or damage to the LEA’s property. An abatement of expenditure applies to current expenditures and capital outlay expenditures from all funds.

Abatement of revenue. The cancelation of all or some part of any specific revenue previously recorded.

Account group. A self-balancing set of accounts that list government's fixed assets and long-term debt and that are not otherwise a part of governmental funds.

Accounting period. A period of time for which records are maintained and at the end of which financial statements are prepared covering the period.

Account numbers or letters. Numbers and/or letters that are assigned to the ordinary titles of accounts for classification of accounts and ease of reference.

Accounts payable. Amounts due and owed to private persons, business firms, governmental units, or others for goods received and/or services rendered prior to the end of the fiscal year. Includes amounts billed but not paid. Does not include amounts due to other funds of the same LEA.

Accounts receivable. Amounts due and owed from private persons, business firms, governmental units, or others for goods received and/or services rendered prior to the end of the fiscal year. Includes amounts billed but not received. Does not include amounts due from other funds of the same LEA.

Accrual basis. That method of accounting in which revenue is recorded when earned, even though it has not yet been collected, and in which expenses are recorded when the liabilities are incurred, even if they have not been paid yet.

Accrued expenditures. Expenditures incurred during the current accounting period that are not paid until a subsequent accounting period.

Accrued revenue. Revenue earned during the current accounting period that is not collected until a subsequent accounting period.

Accumulated depreciation. A contra-asset account used to report the accumulation of depreciation. (See also Depreciation.)

Actuarial basis. A basis used in computing the amount of contributions to be made periodically to a fund so that the total contributions plus the compounded earnings thereon will equal the required payments to be made out of the fund. The factors taken into account in arriving at the amount
include the length of time over which each collection or payment is to be made and the rate of return compounded on such amounts over its life.

*Ad valorem tax.* A tax based on a percentage of the value of goods or services.

*Agency fund.* A fund consisting of resources received and held by an LEA as an agent for others.

*Allocation.* Division or distribution in accordance with a predetermined plan.

*Allowable costs.* Costs that meet the specific criteria of a granting agency.

*Allowance.* A provision for valuing an asset at net, such as an allowance for bad debts. The allowance for bad debts would be deducted from accounts receivable to reflect the receivables that are likely to be collectable.

*Apportionment.* Allocation of state or federal aid, district taxes, or other moneys among LEAs or other governmental units.

*Apportionment notice.* A document notifying LEAs when moneys were deposited with the county treasurer.

*Appraisal.* An estimate of property value made by the use of systematic procedures based on physical inspection and inventory, engineering studies, and other economic factors.

*Appropriation.* An authorization, granted by the governing board, to make expenditures and to incur obligations for special purposes. An appropriation is usually limited in purpose, amount, and the time period during which it may be expended.

*Appropriation ledger.* A subsidiary ledger containing an account for each appropriation. Each account usually shows the amount originally appropriated in the budget, budget increases or decreases during the year, expenditures, encumbrances, unencumbered balances, and other related information.

*Arbitrage.* The profit earned (i.e., interest earnings in excess of interest costs) from the investments of the proceeds of lower-interest tax-exempt securities in higher yielding taxable securities.

*Assessed valuation.* Value placed on personal and real property by a governmental unit for purposes of taxation.

*Assets.* Resources that are held or owned by an LEA and that have monetary value.

*Audit.* An examination of documents, records, and accounts for the purpose of (1) determining the propriety of transactions; (2) ascertaining whether all transactions are recorded properly; and (3) determining whether statements that are drawn from accounts reflect an accurate picture of financial operations and financial status for a given period of time.

*Audit finding.* A weakness in internal controls or an instance of noncompliance with applicable laws and regulations that is presented in the audit report.

*Audit program.* A detailed outline of work to be done and the procedures to be followed during an audit.
Glossary of Terms

Available cash. Cash that is on hand or on deposit in a given fund and that is unencumbered and can be used for meeting current obligations.

Average daily attendance (ADA). Total approved days of attendance in the LEA divided by the number of days the schools in the LEA are in session for at least the required minimum day. (Refer to Education Code Section 46300 and California Code of Regulations, Title 5, Education, sections 400–424.)

B

Balance sheet. A statement that shows the assets, liabilities, and fund balance or fund deficit of an entity at a specific date and that is properly classified to exhibit the financial condition of the entity as of that specific date.

Basis of accounting. The time at which revenues, expenditures, transfers, and related liabilities and assets are recognized in the accounts and are reported in the financial statements.

Bond. A certificate containing a written promise to pay a specified sum of money, called the face value, at a fixed time in the future, called the date of maturity, and specifying interest at a fixed rate, usually payable periodically.

Bond discount. The excess of the face value of a bond over the price for which it is acquired or sold. (The price does not include accrued interest at the date of acquisition or sale.)

Bonded debt. That portion of indebtedness represented by outstanding bonds.

Bonded debt service. Expenditures for interest and redemption of bonds.

Bond premium. The excess of the price at which a bond is acquired or sold over its face value. (The price does not include accrued interest at the date of acquisition or sale.)

Bonds authorized and unissued. Legally authorized bonds that have not been sold and that may be sold without further authorization.

Book value. The cost or stated costs of assets less accumulated depreciation as shown by the books of accounts.

Budget. A plan of financial operation consisting of an estimate of proposed revenue and expenditures for a given period and purpose. The term usually indicates a financial plan for a single fiscal year.

Budgetary accounts. Those accounts that make it possible for a budgetary-type fund (governmental fund) to show how (1) estimated revenue and revenue realized to date compare; and (2) expenditures and encumbrances compare with appropriations during the fiscal period. The budgetary accounts are estimated revenues, appropriations, and encumbrances.

Budgetary control. The management of financial transactions in accord with an approved plan of estimated revenue and expenditures.
Glossary of Terms

**Budgeting.** The process of allocating the available resources of an organization among potential activities to achieve the objectives of the organization; planning for the use of resources.

**Budget revision.** Net increases and decreases to the budget. They may include increases due to new grant funds and decreases due to the need to reduce appropriations to keep spending within available revenues.

**Budget transfer.** Changes among budgeted items. They do not increase or decrease the total budget.

C

**Capital assets.** See **Fixed assets.**

**Capital lease.** A lease agreement that meets one or more of the following criteria is classified as a capital lease:

- Ownership is transferred to the lessee at the end of the lease term.
- The agreement contains a "bargain purchase" option.
- The lease agreement is 75 percent or more of the estimated useful life of the property.
- The present value of the minimum lease payment is 90 percent or more of the fair market value of the property.

**Capital outlay.** Amounts paid for fixed assets or additions to fixed assets, including land or existing buildings, the improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings, or initial and additional equipment.

**Capital projects funds.** Funds established to account for financial resources that are to be used for the acquisition or construction of major capital facilities and other capital assets.

**Cash.** Currency, checks, postal and express money orders, and bankers' drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits. Any restriction or limitation as to the availability of cash should be indicated.

**Cash advance.** Cash apportioned in advance of the usual apportionment period.

**Cash basis.** Method of accounting in which revenue and expenditures are recorded only when cash is actually received or disbursed. The cash basis is not acceptable for use in LEAs.

**Cash collections awaiting deposit.** Receipts on hand or moneys in a bank clearing account awaiting deposit in the county treasury.

**Cash discount.** An allowance made on a purchase if payment is made within a stated period. (This term is not to be confused with **trade discount.**)

**Cash in bank.** Balances in separate bank accounts, such as student body accounts, school farm accounts, and cafeteria accounts.
Glossary of Terms

Cash in county treasury. Cash balances on deposit in the county treasury for the various funds of the LEA.

Categorical aid. Funds from state or federal sources that are in addition to the general-purpose funding to serve a specific pupil population or to provide specific services and activities. These funds have fiscal and program compliance requirements of varying degree.

Certificates of participation (COPs). A financing technique that provides long-term financing through a lease (with an option to purchase or a conditional sale agreement).

Chart of accounts. A systematically arranged list of accounts that are applicable to a specific LEA. All account names and numbers, if any, are listed in numerical order.

Check. A bill of exchange drawn on a bank and payable on demand; a written order on a bank to pay on demand a specific sum of money to a named person, to his or her order, or to a bearer out of money on deposit to the credit of the maker. A check differs from a warrant in that a warrant is not necessarily payable on demand and may not be negotiable; a check differs from a voucher in that a voucher is not an order to pay. A voucher-check combines the distinguishing characteristics of a voucher and a check; it shows the propriety of a payment and is an order to pay.

Classification. The naming or identification of an item or a category, such as the designation of the particular account into which a receipt or an expenditure is to be recorded or the separation of data into acceptable groupings so that financial facts can be stated more clearly.

Classroom unit (CU). The approximate area usually occupied by a classroom, varying from 800 to 1,100 square feet but generally about 960 square feet.

Clearing accounts. Accounts used to accumulate total receipts or expenditures for later distribution among the accounts to which such receipts or expenditures are properly allocable.

Closing entries. Entries recorded at the end of each fiscal period to transfer the balances in the revenue and expenditure (or expense) accounts to the permanent equity accounts (fund balance or retained earnings) of an accounting entity.

Code. (1) A distinguishing reference number or symbol; (2) a statement of the laws of a specific field (e.g., Education Code, Penal Code, Civil Code, and Labor Code).

Compensated absences. Absences for which compensation is paid (e.g., vacation and sick leave).

Component unit. An organization that is legally separate and for which the elected officials of the primary government are financially accountable or for which the nature and significance of its relationship with a primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

Comprehensive Annual Financial Report (CAFR). Financial reporting consisting of three sections:

(1) introductory section (general information on the LEA's structure, services, and environment);
(2) financial section (basic financial statements and required supplementary information, together with information on individual funds and discretely presented component units not reported.
Glossary of Terms

separately in the financial statements); and (3) statistical section (trend and nonfinancial data useful in interpreting the basic financial statements).

Contingent liabilities. Items that may become liabilities as a result of conditions undetermined at a given date (e.g., guarantees, pending lawsuits, judgments and appeals, and unsettled disputed claims).

Contra account. An account to record offsetting transactions (e.g., abatements).

Contract. An agreement between two or more people or entities to do something. Contracts are usually in writing and are enforceable by law.

Contracted services. Expenditures for services rendered under contract by personnel who are not on the payroll of the LEA, including all related expenditures covered by the contract.

Control account. A summary account, usually maintained in the general ledger, in which is entered the aggregate of the debit and the credit postings to a number of identical, similar, or related accounts called subsidiary accounts. Its balance equals the sum of the balances of the detail accounts.

Cost. The amount of money or its equivalent value paid or agreed to be paid for property or services. Cost may be incurred even before money is paid; that is, as soon as a liability is assumed. Ultimately, however, money or its equivalent must be given in exchange. The cost of some property or service may in turn become part of the cost of another property or service. For example, the cost of materials will be reflected in the cost of articles made from such materials.

County School Service Fund (CSSF). A fund established to control the financial operations of county offices of education.

Credit. The right side of a double-entry posting. Credits will reduce assets and expenditures and increase liabilities, revenue, and fund balance.

Current assets. Assets that are available or can be made readily available to meet the cost of operations or to pay current liabilities.

Current expense of education. The current general fund operating expenditures of an LEA for kindergarten and grades one through twelve, excluding expenditures for food services, community services, nonagency activities, fringe benefits for retired persons, acquisition and construction of facilities, and objects 6000 and 7000.

Current liabilities. Amounts due and payable for goods and services received prior to the end of the fiscal year. Current liabilities should be paid within a relatively short period of time, usually within a year.

Current loans. Loans payable in the same fiscal year in which the money was borrowed.

Debit. The left side of a double-entry posting. A debit will increase assets and expenditures and reduce liabilities, revenue, and fund balance.
Glossary of Terms

Debt limit. The maximum amount of legally permitted debt.

Debt service. Expenditures for the retirement of debt and for interest on debt.

Debt service funds. Funds established to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest.

Deferred revenue. Revenue received in a given period, but unearned, which is set up as a liability to be included as revenue in subsequent periods.

Deficit. The amount by which a sum of money falls short of a required amount (e.g., apportionment deficits or budget deficits).

Deficit financing. The amount to be provided when estimated expenditures exceed the estimated revenues.

Deficit fund balance. The excess of liabilities of a fund over its assets.

Deficit spending. The excess of actual expenditures over actual revenues (also referred to as an operating deficit).

Delinquent taxes. Taxes remaining unpaid after the close of the year in which levied. (See also Prior years' taxes, in most cases the preferred term.)

Depreciation. Estimated loss in value or service life of fixed assets because of wear and tear through use, elapse of time, inadequacy, or obsolescence.

Designation for economic uncertainties. See Reserve for economic uncertainties.

Direct expenses or costs. Expenses that can be separately identified and charged as parts of the cost of a product, service, or department.

Direct support charges. Charges for a support program and services that directly benefit other programs.

Disbursements. Payments by currency, check, or warrant. (The term is not synonymous with expenditures.)

Double entry. A system of bookkeeping that requires an amount credited for every corresponding amount debited. Thus, the double-entry ledger maintains equality of debits and credits.

Earned interest revenue. A sum of money received or due to be received for the use of money loaned or invested.

EDGAR (Education Department General Administrative Regulations). The regulations of the U.S. Department of Education incorporating certain circulars from the Office of Management and Budget. EDGAR is found in The Code of Federal Regulations, Title 34, parts 74, 75, 76, 77, 79, 80, 81, 82, 85, and 86. It is defined in The Code of Federal Regulations, Title 34, part 77.1.
Glossary of Terms

Employee benefits. Amounts paid by the LEA on behalf of employees. These amounts are not included in the gross salary but are over and above. They are fringe-benefit payments; and while not paid directly to employees, they are nevertheless part of the cost of salaries and benefits. Examples are (1) group health or life insurance payments; (2) contributions to employee retirement; (3) OASDI (Social Security) taxes; (4) Workers' Compensation payments; and (5) payments made to personnel on sabbatical leave.

Encroachment. The use of unrestricted moneys to support restricted program expenditures.

Encumbrances. Obligations in the form of purchase orders, contracts, salaries, and other commitments chargeable to an appropriation for which a part of the appropriation is reserved.

Enterprise funds. Funds used to account for those ongoing activities of the LEA that because of their income-producing character are similar to those found in the private sector.

Entitlement. An apportionment that is based on specific qualifications or formula defined in statute. (This term should not be used as a basis for determining how to account for unspent balances of categorical aid.)

Equity accounts. These accounts represent the difference between the assets and liabilities of a fund.

Estimated revenues. For revenue accounts kept on the accrual basis, this term designates the amount of revenue estimated to accrue during a given period regardless of whether it is all to be collected during the period.

Expendable trust fund. A trust fund in which principal and earnings may be expended.

Expenditures. The costs of goods delivered or services rendered, whether paid or unpaid, including expenses, provision for debt retirement not reported as a liability of the fund from which retired, and capital outlay.

Expenses. Charges incurred, whether paid or unpaid, for operations, maintenance, interest, and other charges that are presumed to benefit the current fiscal period. Expense accounts are used in certain trust funds and in proprietary-type funds.

F

Face value. As applied to securities, the amount stated in the security document.

Fair value of investments. The amount at which a financial instrument could be exchanged in a current transaction between willing parties other than in a forced or liquidation sale.

Fees. Amounts collected from or paid to individuals or groups for services or for use of a school or other facility.

Fidelity bond. A form of insurance that provides for the indemnification of the LEA or other employer for losses arising from the theft or dishonesty of employees.
Glossary of Terms

Fiscal year. A period of one year, the beginning and the ending dates of which are fixed by statute. For LEAs it is the period beginning July 1 and ending on June 30.

Fixed assets. Assets of a permanent character having continuing value (e.g., land, buildings, machinery, furniture, and equipment), with a cost over the capitalization threshold set by the LEA.

Full-time-equivalent (FTE). The ratio of time expended in a part-time position to that of a full-time position. The ratio is derived by dividing the amount of time of employment required in the part-time position by the amount of employed time required in a corresponding full-time position.

Function. An act, service, or group of services proper to a person, thing, or institution and aimed at accomplishing a certain end. Under SACS, function refers to those activities or services performed to accomplish a goal.

Fund. A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accord with special regulations, restrictions, or limitations.

Fund balance. The difference between assets and liabilities. The fund equity of governmental and trust funds.

G

General fund. The fund used to finance the ordinary operations of the LEA. It is available for any legally authorized purpose.

General journal. A book of original entry for all entries of financial transactions that are not recorded in a special journal, such as a cash receipts journal, a voucher register, or a cash disbursements journal.

General ledger. A book, file, or other device that contains the accounts needed to reflect, in summary and in detail, the financial position, the results of financial operations, and the changes in equities of a fund or an account group used by an LEA.

General long-term debt. Long-term debt that is legally payable from general revenue and backed by the full faith and credit of an LEA.

Generally accepted accounting principles (GAAP). Uniform minimum standards of, and guidelines to, financial accounting and reporting. They govern the form and content of the basic financial statements of an entity. These principles encompass the conventions, rules, and procedures necessary to define accepted accounting practices and procedures. Generally accepted accounting principles provide a standard by which to measure financial presentations. The primary authoritative source on the application of these principles to state and local governments is the Governmental Accounting Standards Board (GASB).
Glossary of Terms

Generally accepted auditing standards (GAAS). Measures of the quality of the performance of auditing procedures and the objectives to be attained through their use. The standards are concerned with the auditor's professional qualities and with the judgment exercised in the performance of an audit. Generally accepted auditing standards are established by the American Institute of Certified Public Accountants (AICPA).

Generally accepted governmental auditing standards (GAGAS). Generally accepted auditing standards for government are established by the U.S. Government Accounting Office in Standards and Procedures for Audits of Governmental Organizations, Programs, Activities, and Functions.

Gift. Anything of value received from any source for which no repayment or service to the contributor is expected.

Goal. Under SACS a goal defines an objective or a set of objectives for the LEA. It is used to account for the cost of instruction and other services by the instructional goals and objectives of an LEA.

Governmental Accounting Standards Board (GASB). The organization established to issue standards of financial accounting and reporting with respect to activities and transactions of state and local governmental entities. It is the successor organization to the National Council on Governmental Accounting (NCGA).

Grade level. Assigned classification of students according to age and school progress (e.g., kindergarten or first grade).

Grant. A contribution, either in money or material goods, made by one governmental entity to another. Grants may be for specific or general purposes. (This term should not be used as a basis for determining how to account for unspent balances of categorical aid.)

Grants-in-aid. See Grant.

H

Holding accounts. Suspense accounts that are used temporarily to accumulate costs that will ultimately be charged to other user programs.

I

Income. A term used in accounting for a proprietary-type fund to represent the excess of revenues earned over the expenses incurred in carrying on the fund's operations. The term income should not be used in lieu of revenue in governmental-type funds.

Indirect cost. Elements of cost necessary in the operation of the LEA or in the performance of a service that are of such nature that the amount applicable to each accounting unit cannot be determined readily and accurately or for which the cost of such determination exceeds the benefit of the determination. It consists of those business and administrative costs that benefit the entire LEA (e.g., accounting, budgeting, personnel, purchasing).
Indirect cost rate (ICR). A method for claiming reimbursement of indirect costs from federal and state categorical funds. It is the ratio (expressed as a percentage) of the indirect costs to direct base costs.

Indirect support charges. Charges for routine services not performed as a special service for a particular program but allocated to user programs.

In lieu of taxes. Revenue to replace the loss of tax revenue resulting from property that is exempted from taxation.

Interest. A fee charged to a borrower for the use of money.

Interfund accounts. Accounts in which transactions between funds are reflected.

Interfund transfers. Money that is taken from one fund under the control of the governing board and added to another fund under the board's control. Interfund transactions other than loans, quasi-external transactions, and reimbursement. Interfund transfers are not revenues or expenditures of the LEA. (See also Operating transfers or Residual equity transfers.)

Interim borrowing. (1) Short-term loans to be repaid from general revenues during the course of a fiscal year; (2) short-term loans in anticipation of tax collections or bond insurance.

Interim reports. Reports prepared as of a date or a period during the fiscal year. They include budgetary estimates, financial transactions during current year-to-date, and end-of-year projections.

Internal audit. An appraisal activity within an LEA that (1) determines the adequacy of the system of internal control; (2) verifies and safeguards assets; (3) determines the reliability of the accounting and reporting system; (4) ascertains compliance with existing policies and procedures; and (5) appraises the performance of activities and work programs.

Internal control. A plan of organization under which employees' duties are so arranged, and records and procedures so designated, as to provide a system of self-checking, thereby enhancing accounting control over assets, liabilities, revenue, and expenditures. Under such a system the employees' work is subdivided so that no single employee performs a complete cycle of operation. Such procedures call for proper authorization by designated officials.

Internal service funds. Funds created to render services on a cost-reimbursement basis to other organizational units of the LEA. Such funds are generally intended to be self-supporting.

Inventory. A detailed list showing the quantities and a description of the property on hand at a given time. It may also include units of measure, unit prices, and values.

Investments. Usually, securities and real estate held for the purpose of generating revenues, such as interest, dividends, or rental payments.

Invoice. An itemized statement of charges for merchandise sold or services rendered to the purchaser.
Glossary of Terms

*Job account.* An account established to record the accumulation of costs of a specific piece of work; work orders showing charges for material and labor used.

*Journal.* Any accounting record in which the financial transactions of an LEA are formally recorded for the first time (e.g., the cash receipts book, check register, and general journal).

*Journal voucher.* A form provided for the recording of certain transactions or information in place of, or supplementary to, the journal or registers.

*Judgments.* Amounts due to be paid or collected by the LEA as the result of court decisions.

*L*

*LEA.* See Local educational agency.

*Lease-purchase agreements.* Contractual agreements which are termed "leases" but which in substance amount to purchase contracts.

*Levy.* The imposition of taxes or special assessments for the support of governmental activities; also, the total amount of taxes, special assessments, or service charges imposed by a governmental unit.

*Liabilities.* Legal obligations (with the exception of encumbrances) that are unpaid.

*Line-item budgeting.* A budget system emphasizing a "balanced budget" through comparison of estimated revenues with projected expenditures. Budgetary divisions are listed by organizational units, such as departments or activities, and expenditures are divided into major categories of personal services, contracted services and supplies, and capital outlay. For budgetary control, further breakdowns of expenditures are made through detailed object accounts based on the wide range of services, supplies and equipment.

*Local educational agency (LEA).* Typically, a local school district, county office of education, or joint powers agreement entity engaged in providing educational services.

*Long-term debt.* Debt that matures more than one year after the date of issuance.

*M*

*Management's discussion and analysis (MD & A).* The narrative introducing the financial statements and providing an analytical overview of the LEA's financial performance for the year. It should contain sufficient information for users of the financial statements to evaluate whether the financial position of the LEA has improved or deteriorated as a result of the year's activities.

*Modified accrual basis.* The accrual basis of accounting adapted to the governmental fund type. Under it, revenues are recognized when they become both "measurable" and "available" to finance expenditures of the current period. Most expenditures are recognized (recorded) when the related liability is incurred.
Glossary of Terms

Multiyear financial plan. A plan that presents financial estimates of programs in tabular form for a period of years. These estimates reflect the future financial impact of current decisions. The data in the plan should be organized along the lines of the program structure.

N

Net income. A proprietary fund's excess of revenues and operating transfers in over expenses and operating transfers out.

Not-for-profit organization (NPO). An entity that meets the definition in the Financial Accounting Standards Board's (FASB) Statement of Financial Accounting Standards No.116, Accounting for Contribution Received and Contribution Made. An entity with the following characteristics that separates it from a business enterprise:

- It receives contributions of significant amounts of resources from providers who do not expect a commensurate or proportionate pecuniary return.
- Its operating purposes are other than to provide goods or services at a profit.
- Unlike business enterprises, it does not have an interest in ownership.

O

Object. As used in an expenditure classification, object applies to the article purchased or to the service obtained.

Obligations. Amounts that the LEA may be legally required to meet from its resources. They include not only actual liabilities but also unliquidated encumbrances.

Operating transfers. All interfund transfers other than residual equity transfers.

Order (for payment). A written demand by the governing board of an LEA requiring the county superintendent of schools to draw his or her requisition on the county auditor for the payment of a claim against the LEA.

Other financing sources. Governmental fund general long-term debt proceeds, operating transfers in, and material proceeds of fixed asset dispositions. Such amounts are classified separately from revenues.

Other financing uses. Governmental funds' operating transfers out. Such amounts are classified separately from expenditures.

Overdraft. The amount by which checks, drafts, or other demands for payment on the treasury or on a bank account exceed the amount of the balance on which they are drawn; or the amount by which encumbrances and expenditures exceed the appropriation to which they are chargeable.

Overhead. See Indirect cost.
Glossary of Terms

P

Payroll register. A document accompanying one or more orders on a fund of an LEA for the payment of salaries or wages to employees; contains the names of such employees and provides information substantiating such orders.

Payroll warrant. A document used as an order or a requisition on a fund of an LEA for the purpose of paying salaries or wages.

Perpetual inventory. A system whereby the inventory of units of property at any date may be obtained directly from the records without resorting to an actual physical count. A record is provided for each item or group of items to be inventoried and is divided to provide a running record of goods ordered, received, and withdrawn and the balance on hand in units and cost.

PERS. Public Employees' Retirement System. Unless exempted by state law, classified employees, their district, and the state contribute to this retirement fund.

Personal property. All property except real property. (See also Real property.)

Petty cash. A sum of money set aside for the purpose of making change or immediate payments of small amounts. (See also Revolving cash fund.)

Physical inventory. The annual physical count of an LEA's inventory. This count is often taken at the end of the year and observed by the LEA's auditors. Periodically, physical inventories are conducted to test the accuracy of the perpetual inventory records.

Posting. The act of transferring to an account in a ledger the data, either detailed or summarized, contained in a book of original entry.

Prepaid expenses. Expenditures for which payment has been made but for which benefits have not been realized as of a certain date (e.g., prepaid rent, prepaid interest, and premiums on unexpired insurance).

Prior years' taxes. Taxes collected within the current fiscal year for levies in previous fiscal years.

Program. A group of related activities that operate together to accomplish specific purposes or objectives.

Program cost accounting. A method to identify program costs in a standard manner. Under SACS the goal field provides the framework for program cost accounting.

Program structure. The hierarchical arrangement of programs that represents the interrelationship of activities to goals and objectives. The program structure contains categories of activities with common outputs and objectives. Programs may cut across existing departments and agencies.

Project year. A field in SACS that is used to distinguish the activities of the same grant with different project years within the fiscal year. In most cases the grant is a federal one; however, in some instances, state grants have different years.
**Glossary of Terms**

*Prorating.* The allocating of expenditures or revenue from a single source to two or more accounts to show the correct distribution of charges or revenue.

*Purchase order.* A document issued to a vendor that authorizes the delivery of specified merchandise or the performance of certain services and the making of a charge for them.

**R**

*Real property.* Property consisting of land, buildings, minerals, timber, landscaping, and all improvements thereto.

*Rebate.* See *Abatement or Refund*.

*Receipts.* Cash received.

*Reclassification.* Redesignation of the current year's revenue or expenditure items previously posted to one account and later determined to be more properly charged to a different account.

*Refund.* An amount paid back or credit allowed because of an overcollection.

*Registered warrant.* A warrant that is registered by the county treasurer for future payment because of a present lack of funds and that is to be paid with interest in the order of its registration.

*Registers.* A listing of transactions of like kind that may be totaled and summarized for convenience in posting (e.g., payroll registers, warrant registers, and attendance registers).

*Reimbursement.* Cash or other assets received as a repayment of the cost of work or services performed; or repayment of expenditures made for or on behalf of another governmental unit, fund, or department.

*Requisition.* A document submitted initiating a purchase order to secure specified articles, services, or issuance of materials from stores or a warehouse.

*Reserve for economic uncertainties.* The portion of the fund balance that has been designated (set aside) by the governing board to provide for emergencies or economic events, such as revenue shortfalls, that could not be anticipated.

*Reserve for encumbrances.* An account used to segregate a portion of a fund balance for outstanding encumbrances.

*Residual equity transfers.* Nonrecurring or nonroutine transfers of equity between funds of the LEA (e.g., transfers of residual balances of discontinued funds to the general fund or contribution of internal service fund capital by the general fund).

*Resource.* A field in SACS that is used to classify revenues and resulting expenditures in accord with restrictions or special reporting requirements placed on either aspects of LEA financial activities by law or regulation. Further, because such revenues frequently are not fully expended within a fiscal year, and related liabilities are not completely liquidated, the resource code is also to reflect restrictions and special reporting obligations on balance sheet accounts.
Glossary of Terms

Restricted funds. Money whose use is restricted by legal requirement or by the donor.

Revenues. The increases in a fund's financial resources other than from interfund transfers or debt issue proceeds. Revenues are the primary financial resource of a fund. Revenues are recognized when assets are increased without increasing liabilities or incurring an expenditure reimbursement.

Revolving cash fund. An account used primarily for emergency or small disbursements and reimbursed periodically through properly documented expenditures, which are summarized and charged to proper accounting classifications.

S

Schedules. Explanatory or supplementary statements that accompany the balance sheet or other financial statements.

Secured roll. Assessed value of real property, such as land, buildings, secured personal property, or anything permanently attached to land, as determined by each county assessor.

Securities. Bonds, notes, mortgages, or other forms of negotiable or nonnegotiable instruments.

Serial annuity bonds. Serial bonds in which the annual installments of bond principal are so arranged that the combined payments for principal and interest are approximately the same each year.

Serial bonds. Bonds whose principal is repaid in periodic installments over the life of the issue.

Shared revenue. Revenue that is levied by one governmental unit but that is shared, usually in proportion to the amount collected, with another unit of government or class of governments.

Short-term debt. Debt with a maturity of one year or less after the date of issuance. Short-term debt usually includes bond anticipation notes payable and tax and revenue anticipation notes (TRANs) payable.

Source document. Any voucher, invoice, or other data that support an entry in the accounting records.

Special revenue funds. Funds established to account for the proceeds from specific revenue sources that are restricted or committed to finance particular activities other than capital projects or debt service and not held in trust for other individuals or entities.

Standardized account code structure (SACS). A uniform, comprehensive, and minimum chart of accounts for classifying the financial activities of California LEAs.

Statements. (1) In a general sense, all of those formal written presentations that set forth financial information; (2) in technical accounting, those presentations of financial data that show the financial position and the results of financial operations of a fund, a group of accounts, or an entire LEA for a particular accounting period.

State School Fund. A special revenue fund within the State Treasury used for apportionments to school districts and county offices of education on the basis of the revenue limit and certain other
Glossary of Terms

special-purpose apportionments. Apportionments are made by the State Controller and are based on certifications from the Department of Education.

Stores. Goods that are on hand in storerooms and that are subject to requisition.

STRS. State Teachers' Retirement System. State law requires certificated employees, school districts, and the state to contribute to this retirement fund.

Student body fund. An agency fund to control the receipts and the disbursements of student associations' activities; it consists only of assets and liabilities.

Subsidiary ledger. A supporting ledger consisting of a group of accounts, the total of which is in agreement with a control account (e.g., payroll ledger and appropriations ledger).

Subvention. Provision of assistance or financial support, usually from a superior governmental unit; a grant.

Supply. An item of an expendable nature that is consumed, wears out, or deteriorates in use; or one that loses its identity through fabrication or incorporation into a different or more complex unit or substance.

Surety bond. A written promise to pay damages or to indemnify against losses caused by the party or parties named in the document, through nonperformance or through defalcation (e.g., a surety bond given by a contractor or by an official who handles cash or securities).

Suspense account. An account that temporarily carries charges or credits pending the determination of the proper account or accounts.

T

Tax and revenue anticipation notes (TRANs). Notes issued in anticipation of collection of taxes, usually retirable only from tax collections and frequently only from the proceeds of the tax levy whose collection they anticipate.

Tax liens. Claims by governmental units on properties for which taxes levied remain unpaid.

Tax rate. The amount of tax stated in terms of a unit of the tax base.

Tax rate limit. The maximum rate of tax that a governmental unit may levy.

Tax redemption. Proceeds from the sale of tax-delinquent property.

Tax relief subventions. Funds ordinarily paid to compensate for taxes lost because of tax relief measures.

Tax roll. The list showing the amount of taxes levied against each taxpayer or property.

Taxes. Compulsory charges levied by a governmental unit for the purpose of financing services performed for the common benefit.

Taxes, protested. Tax money paid under protest and held by the county auditor pending settlement of the protest.
Glossary of Terms

**Taxes receivable.** An asset account representing the uncollected portion of taxes levied.

**Term bond.** A bond whose entire principal matures on a single date.

**Trade discount.** A reduction of the list price, usually expressed as a percentage and related to the volume of business transacted. (The term is not to be confused with *Cash discount.*)

**Transfer.** Interdistrict or interfund payments or receipts not chargeable to expenditures or credited to revenue. (See also *Budget transfer.*)

**Trial balance.** A list of the balances of the accounts in a ledger kept by double entry, with the debit and credit balances shown in separate columns. If the totals of the debit and credit columns are equal or if their net balances agree with a control account, the ledgers from which the figures are taken are said to be "in balance."

**Trust fund.** A fund used to account for assets held by a government in a trustee capacity for individuals, private organizations, other governments, and/or other funds.

**Tuition.** An amount charged for educational services provided to a student.

**U**

**Unaudited actuals.** An annual statement reporting the financial activities of the LEA in which the data are not yet audited.

**Unencumbered balance.** That portion of an appropriation or allotment not yet expended or obligated.

**Unit cost.** The total expenditure for a product, program, or service divided by the total quantity obtained or some other quantitative measure (e.g., the total expenditure for desks divided by the number of desks equals the cost per desk).

**Unrealized revenue.** Estimated revenue less revenue received to date; also, the estimated revenue for the remainder of the fiscal year.

**Unsecured roll.** Assessed value of personal property other than secured property.

**V**

**Voucher.** A written document which evidences the propriety of transactions and usually indicates the amounts that are to be recorded.

**W**

**Warrant.** A written order, drawn by the LEA's governing board or its authorized officer(s) or employee(s), approved by the county superintendent of schools and allowed by the county auditor, directing the county treasurer to pay a specified amount to a designated payee.
Glossary of Terms

**Warrants payable.** The amount of warrants issued, outstanding, and unpaid.

**Withholding.** The process of deducting from a salary or wage payment an amount, specified by law or regulation, representing the individual's estimated federal or state income tax that the employer must pay to the taxing authority.

**Work in process.** The value of partially completed products manufactured or processed, such as a partially completed printing job.

**Work order.** A written authorization for the performance of a particular job containing a description of the nature and location of the job and specifications for the work that is to be performed. Such authorizations are usually assigned job numbers, and provision is made for accumulating and reporting labor, material, and other costs.

**Work station.** Computer, personal computers, or work areas assigned for data processing purposes.
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 approximately 1,535 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION
The CDE recommends that the SBE approve the 2011–12 Consolidated Applications (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:
• 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 1,516 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

For fiscal year 2010–11, the SBE approved ConApps for 1,535 LEAs. Attachment 1 represents the first 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 1,500 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 (ConApp) List (2011–12) - Regular Approvals (53 pages)
Consolidated Applications (ConApp) 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>
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<tr>
<th>CD Code</th>
<th>School Code</th>
<th>Local Educational Agency Name</th>
<th>Total 2010–11 ConApp Entitlement</th>
<th>2010–11 Total Entitlement Per Student</th>
<th>Total 2010–11 Title I Entitlement</th>
<th>2010–11 Title I Entitlement Per Free and Reduced Lunch Student</th>
<th>2009–10* Percent At or Above Proficiency – Language Arts</th>
<th>2009–10* Percent At or Above Proficiency – Math</th>
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* The 2009–10 targets for elementary and middle schools are 56.8 percent for Language Arts and 58.0 percent for Math. The 2009–10 targets for high schools are 55.6 percent for Language Arts and 54.8 percent for Math.

Total Number of LEAs in the report: 1,516
Total ConApp entitlement funds for districts receiving regular approval: $2,775,861,452
ITEM 21
## SUBJECT

Inclusion of Alternative Education Program Accountability Results in the Academic Performance Index – Adopt Amendments to the *California Code of Regulations*, Title 5, Sections 1039.2 and 1039.3.

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### RECOMMENDATION

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

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

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

In May 2011, the SBE took action to begin the rulemaking process for the adoption of regulations pursuant to California *Education Code (EC)* Section 52052.1 that would allow test scores and other accountability data of enrolled pupils who were referred by the school and/or school district of residence to an alternative education program (AEP) be included in the Academic Performance Index (API) of the school and school district of residence. The 45-day public comment period for the proposed regulations closed on July 11, 2011.
SUMMARY OF KEY ISSUES

The CDE received no public comments on the proposed regulations during the 45-day public comment period. No amendments or edits have been made to the proposed regulations.

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Statement was previously submitted in the May 2011 Agenda, and no fiscal impact was indicated.

ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (1 Page)

Attachment 2: Proposed California Code of Regulations, Title 5, Sections 1039.2 and 1039.3 (4 Pages)
FINAL STATEMENT OF REASONS
INCLUSION OF ALTERNATIVE EDUCATION PROGRAM ACCOUNTABILITY
RESULTS IN THE ACADEMIC
PERFORMANCE INDEX

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from May 27, 2011, through July 11, 2011. No written comments were received during that period.

A public hearing was held at 9:00 a.m. on July 11, 2011, at the California Department of Education. There were no comments made at the public hearing.

No changes were made to the regulations.

ALTERNATIVES DETERMINATION

The State Board of Education has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

LOCAL MANDATE DETERMINATION

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

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MAY 27, 2011 THROUGH JULY 11, 2011, INCLUSIVE.

No comments were received.

7-11-11 [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 4. Statewide Testing of Pupils and Evaluation Procedures
Article 1.8. Inclusion of Alternative Education Program Accountability Results and Middle School Dropouts in the Academic Performance Index (API)

§ 1039.2. Definitions.
For purposes of this Article, the following terms shall have the following meanings unless the context indicates otherwise:

(a) “Alternative education program (AEP)” means a school that is eligible for the Alternative Schools Accountability Model (ASAM) and/or an independent study program within a local educational agency (LEA).

(1) Schools eligible for the ASAM include continuation, district and county community day, opportunity, county community, juvenile court, and California Education Authority, Division of Juvenile Justice schools, and others as identified in the ASAM Alternative School of Choice and Charter School Application. This document, located at http://www.cde.ca.gov/ta/ac/am/documents/altapplication.doc, is hereby incorporated by reference.

(b) “Continuously enrolled” for the purposes of Education Code section 52052(a)(4)(C) and this Article means a pupil who was enrolled in the same school, school district, or county office of education with no gap in enrollment of more than 30 consecutive calendar days.

(1) Test scores shall be assigned to the API of a school or LEA if the pupil is continuously enrolled at that school or LEA between the first Wednesday in October through the first day of testing of the academic year.

(2) For purposes of determining if a fall (August through December) test taker on the California High School Exit Examination (CAHSEE) is continuously enrolled, enrollment
between the first Wednesday in October of the prior school year and date of the
CAHSEE examination shall be used.
(c) “Correctional or judicial officials” includes probation officers.
(d) “Local educational agency (LEA)” means a school district or county office of
education.
(e) “Other accountability data” means the dropout rate that is added to the API
pursuant to Education Code section 52052.1(a)(3).
(f) “Referred by the school or school district of residence” includes, but is not limited
to the voluntary transfer of a pupil to an independent study program or to an AEP
charter school.
(g) “School district of residence” means the LEA of the last non-AEP school in which
the pupil was enrolled.
(h) “School of residence” means the last non-AEP school the pupil attended.
(i) “Test scores” means results of standardized state-wide tests included in the API.

NOTE: Authority cited: Sections 33031 and 52052, Education Code. Reference:
Sections 51745, 52052, 52052.1 and 60851, Education Code.

§ 1039.3. Criteria for Assigning Pupil Accountability Results to the School and
School District of Residence API.
(a) Test scores and other accountability data shall be assigned to the school and/or
school district of residence for each fiscal year in accordance with annual API
calculations.
(b)(1) If a pupil was continuously enrolled pursuant to this Article in the AEP, the
pupil’s test scores shall be assigned to the AEP’s API for that year.
(2) If the pupil was continuously enrolled pursuant to this Article in the LEA of the
AEP in the current year, the pupil’s test scores shall be assigned to the LEA API for that
year.
(c) If a pupil was referred by the school or school district of residence to an AEP
school and the pupil was not continuously enrolled pursuant to this Article in the AEP in
the current year, the pupil’s test scores shall be assigned to the API of the pupil’s school
of residence for that year under either of the following circumstances:
(1) The pupil was enrolled in the school of residence at the start of the current year; subsequently enrolled in an AEP; and either stayed at the AEP, returned to the school of residence, enrolled in another AEP school, or dropped out without being continuously enrolled pursuant this Article in any school.

(2) The pupil was enrolled in an AEP school at the start of the current year; subsequently enrolled in the school of residence for over 30 consecutive calendar days; and either stayed at the school of residence, returned to the AEP, enrolled in another AEP school, or dropped out without being continuously enrolled pursuant to this Article in any school.

(d) If a pupil was referred by the school or school district of residence to an AEP school and the pupil was not continuously enrolled pursuant to this Article in the LEA of the AEP or in any LEA in the current year, the pupil’s test scores shall be assigned to the API of the pupil’s school district of residence for that year under either of the following circumstances:

(1) The pupil was enrolled in the school district of residence at the start of the current year; subsequently enrolled in the LEA of the AEP; and either stayed at the LEA of the AEP, returned to the school district of residence, enrolled in another LEA of an AEP school, or dropped out without being continuously enrolled pursuant to this Article in any LEA.

(2) The pupil was enrolled in the LEA of the AEP at the start of the current year; subsequently enrolled in the school district of residence for over 30 consecutive calendar days; and either stayed at the school district of residence, returned to the LEA of the AEP, enrolled in another LEA of an AEP school, or dropped out without being continuously enrolled pursuant to this Article in any LEA.

(e) Other accountability data shall be assigned to the API of the pupil’s school or school district of residence in accordance with subdivisions (b), (c), and (d) if the pupil was referred to an AEP by the pupil’s school or school district of residence and was enrolled in the AEP for fewer than 125 consecutive calendar days.

(f) Other accountability data shall be assigned to the API of an AEP school and its LEA if the pupil was referred to the AEP by the pupil’s school or school district of residence and was enrolled in the AEP for 125 consecutive calendar days or more.
(g) If a pupil was referred to an AEP school by a juvenile court judge or other correctional or judicial official or expelled pursuant to section 52052.1(a)(1), was enrolled in that AEP school and its LEA, and was not continuously enrolled pursuant to this Article in any school or LEA, the pupil's test scores and other accountability data shall be assigned as follows:

(1) Test scores shall not be assigned to the API of any school or LEA.

(2) Other accountability data shall be assigned to the API of the school or school district of residence if the pupil was enrolled in the AEP school or LEA for fewer than 125 consecutive calendar days.

(3) Other accountability data shall be assigned to the API of the AEP school or its LEA if the pupil was enrolled in the AEP school or LEA for 125 consecutive calendar days or more.

California State Board of Education

Meeting Agenda Items for September 7-8, 2011

ITEM 22
SUBJECT

Permits to Employ and Work – Adopt Proposed California Code of Regulations, Title 5, Sections 10120.1 through 10121.

RECOMMENDATION

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

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In May 2011, the SBE approved the Notice of Proposed Rulemaking, the Initial Statement of Reason, and approved the commencement of the proposed regulations.

SUMMARY OF KEY ISSUES

The proposed regulations specify the Statement of Intent to Employ a Minor and Request for Work Permit/Certificate of Age (CDE Form B1-1) form will be used as the Certificate of Age pursuant to Education Code Section 49114. The proposed regulations also specify the condition under which a minor does not require a work permit.

FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal Impact Statement previously submitted with May 2011 agenda item. No fiscal impact.
ATTACHMENT(S)

Attachment 1: Final Statement of Reasons (1 Page)
Attachment 2: Proposed Regulations, California Code of Regulations, Title 5, sections 10120.1 through 10121 (1 Page)
FINAL STATEMENT OF REASONS
Permits to Employ and Work (SBE)

UPDATE OF INITIAL STATEMENT OF REASONS

The original proposed text was made available for public comment for at least 45 days from May 27, 2011, through July 11, 2011. No written comments were received during that period.

A public hearing was held at 9:00 a.m. on July 11, 2011, at the California Department of Education. There were no comments made at the public hearing.

No changes were made to the regulations.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MAY 27, 2011, THROUGH JULY 11, 2011, INCLUSIVE.

No comments were received.

ALTERNATIVES DETERMINATION

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

LOCAL MANDATE DETERMINATION

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

07-12-11 [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.

Division 1. California Department of Education
Chapter 10. Courses of Study
Subchapter 1. High School Courses of Study
Article 7. Work Permits

§ 10120.1 Certificate of Age.
A Statement of Intent to Employ A Minor and Request For Work Permit/Certificate of Age (CDE Form B1-1 revised 07-10) shall be completed by the parent or guardian to certify age in place of a Certificate of Age.


Work permits are not required for minors who meet all of the following conditions:
(a) the minor is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes;
(b) the minor is not in an employer-employee relationship in accordance with The Fair Labor Standards Act and the minor is an unpaid trainee, volunteer, or in-school placement; and
(c) the minor has parental permission and has submitted written evidence thereof with the school district, charter school, or private school of enrollment.

NOTE: Authority cited: Section 33031, Education Code. References: Sections 49110, 51760 and 51762, Education Code; Section 1299, Labor Code; and 29 C.F.R. Section 570.5.

4-14-11 [California Department of Education]
ITEM 23
California Department of Education
Executive Office
SBE-003 (REV. 08/2010)
clab-dsid-sep11item07

ITEM#23

CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2011 AGENDA

SUBJECT


☐ Action
☐ Information
☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) consider the recommendations from Carmella S. Franco, State Trustee of the Alisal Union Elementary School District (AUESD), and Norma Martinez, State Trustee of Greenfield Union School District (GUESD), on the progress to date and proposed next steps and take action as appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2011, the corrective action plans submitted by the State Trustees for AUESD and GUESD were provided to the SBE as Information Memoranda and can be viewed at http://www.cde.ca.gov/be/pn/im/infomemoapr2011.asp.

At its November 2010 meeting, the SBE approved performance objectives and comprehensive assessment of the district, presented by Carmella S. Franco, State Trustee of the AUESD, pursuant to the Memorandum of Understanding (MOU) between the SBE and the AUESD State Trustee found at http://www.cde.ca.gov/be/ag/ag/yr10/agenda201010.asp.

At its September 2010 meeting, the SBE approved performance objectives presented by Norma Martinez, State Trustee of the GUESD, pursuant to the MOU between the SBE and the GUESD State Trustee, found at http://www.cde.ca.gov/be/ag/ag/yr10/agenda201009.asp.

At its May 2010 meeting, the SBE took action to:

- Assign a Trustee with full authority of the local superintendent and governing board in AUESD for not less than three years unless progress has been achieved, defining expectations for the work of the Trustee to be included in a MOU among the Trustee, AUESD, and the SBE.
• Assign a Trustee with “stay and rescind” authority in GUESD for not less than three years unless progress has been achieved, defining expectations for the work of the Trustee to be included in a MOU among the Trustee, GUESD, and the SBE.

SUMMARY OF KEY ISSUES

Local governance issues were identified as a key factor impeding teaching and learning in each district. Specific trustees were assigned to AUED and GUESD in May 2010. Since that time significant academic and governance improvements have occurred in each district. Since the November 2010 SBE meeting, the State Trustees for AUED and GUESD have submitted summary reports of actions taken for all recommendations in their districts’ comprehensive needs assessments and corrective action plans. Each report reflects progress toward remedying the issues identified in the district’s Memorandum of Understanding.

Attachment 1 is the Academic Achievement Data for AUED and GUESD.

FISCAL ANALYSIS (AS APPROPRIATE)

Costs associated with payment of each Trustee are borne by the LEA.

ATTACHMENT(S)

Attachment 1: Academic Achievement Data for Alisal Union Elementary School District and Greenfield Union Elementary School District (5 Pages)

Attachment 2: August 23, 2011, letter from Alisal Union Elementary School District State Trustee Carmella S. Franco to State Board of Education President Michael W. Kirst regarding Recommendation for Change of Governance Authority from Option B to Option A for the Alisal Union Elementary School District (4 Pages)

Attachment 3: August 24, 2011, letter from Greenfield Union Elementary School District State Trustee Norma Martinez to State Board of Education President Michael W. Kirst regarding Recommendation for Change of Governance Authority from Option A to Full Local Governing Authority with Demonstrated Substantial Progress (3 Pages).

Attachment 4: August 1, 2011 Goal and Performance Objective Update for Greenfield Union Elementary School District (7 Pages)
Academic Achievement Data
for Alisal Union Elementary School District and Greenfield Union Elementary School District
2010 - 11 District Accountability Dashboard
CD: 2765961

District: Alisal Union
District Type: Elementary

STAR Percent Proficient and Above Over 5 Years

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# 2010 - 11 District Accountability Dashboard

**CD:** 27660350120949  
**District:** Greenfield Union  
**District Type:** Elementary

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## District Overall Percent Proficient Growth

- **ELA District**
- **ELA State**
- **Math District**
- **Math State**
### Greenfield Union

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### District Overall Percent Proficient Growth

- **ELA District**
- **ELA State**
- **Math District**
- **Math State**

![Graph showing percent proficient growth for ELA and Math at District and State levels from 2007 to 2011.](attachment:1)
August 23, 2011

To: Dr. Michael W. Kirst, President  
State Board of Education

From: Dr. Carmella S. Franco  
State Trustee

Re: Recommendation for Change of Governance Authority from Option B to Option A for the Alisal Union Elementary School District

**Background:**

The Alisal Union Elementary School District has operated under the Option B governance model since May 5, 2010. It was under the general authority of Education Code Section 52055.57(c)(3) that the State Board of Education approved a State Trustee. As background information, the scope of authority for Option A and Option B is defined as follows.

**Option A (Trustee with authority to stay or rescind governing board actions):**

The local governing board will generally retain its existing powers and authorities, including its authorities with respect to the district superintendent. The local governing board will exercise its powers and authorities to implement the details of the corrective action plan. During the period of service, the trustee may stay or rescind any action of the local governing board that, in the sole judgment of the trustee, is inconsistent with the corrective action plan or which otherwise may adversely impact the LEA.

**Option B (Trustee with full authority to administer the affairs of the LEA):**

Under Option B, the trustee will assume all the legal rights, duties, and powers of the local governing board, including its authorities with respect to the district superintendent. Throughout the term of service, the local governing board shall serve only as an advisory body reporting to the trustee, with no rights, duties, or powers with respect to the LEA. Members of the local governing board are not entitled to any stipend, benefits, or other compensation from the LEA during the term of service.
I officially reported and began my work with the District on May 24, 2010. During the 2010-11 school year, the following major reports were completed and submitted.

- Initial Assessment
- Comprehensive Assessment
- Goals and Performance Objectives
- Corrective Action Plan
- End of Year Report for 2010-11

A status report for 2011 was prepared based on the Goals and Performance Objectives adopted by the State Board of Education in November 2010. The Corrective Action Plan, which was implemented during 2010-11, contains information that supports the status of the Goals and Performance Objectives. A comprehensive Communication Plan also was developed and specific actions identified for implementation. In addition, the Alisal Union Elementary School District 2011 test scores show gains in student progress on the STAR test. As of this date, one school, Bardin Elementary, will be exiting from Program Improvement status. All of these documents can be located at the www.alisal.org website under the State Trustee webpage.

**Rationale:**

The Alisal Board of Trustees has shown progress in meeting criteria which were approved by the State Trustee in April 2011. An update has been developed for the document titled *Establishment of Criteria for the Alisal Union Elementary School District to Move from Option B to Option A*. Of particular note was the Board’s commitment to participate in 24 study sessions/workshops/retreats (January 1, 2011 through August 10, 2011). This was above and beyond attendance at the 12 Regular Trustee/Board meetings, as shown in the document titled *2011 Board Meeting and Study Session/Workshop/Retreat Dates*. Additionally, the Board has participated in the full review and revision of one-third of the District’s Board Policies as cited on the District website. The remaining policies will be completed in 2011-12. The Board has worked together during Option B, and will benefit from continued oversight as it regains some of its authority. By virtue of transitioning to Option A Stay and Rescind Governance model, the State Board of Education retains the oversight authority over the State Trustee. The documents mentioned in this section can be found via the www.alisal.org website under the State Trustee webpage.
Trustee's Recommendations:

Based on these factors, I am recommending that the Alisal Union Elementary School District move from the Option B to Option A governance model, effective September 21, 2011. This date provides time for a Special Board meeting to precede it whereby criteria for a move from Option A to a full governance model can be finalized.

I also recommend that the Alisal Board of Trustees receive professional development reccompense retroactive to May 1, 2011 ($30 per workshop and $60 per Saturday retreat). Upon the effective date of approval of the Option A governance model, the Board would begin to receive its regular monthly Board stipend and health benefits in accordance with the Alisal Board of Trustee’s Bylaws and Policies.

Long-term Vision:

Once the District is operating under the Option A governance model, it is anticipated that a transitioning of authority to independent governance would occur no later than June 30, 2012. Examples of criteria for this governance transition include the following.

- 100% of Board policies reviewed, revised, and approved
- Board member attendance at a minimum of six governance workshops (one per month)
- Board member enrollment and attendance at CSBA Masters in Governance training
- Full understanding of roles and responsibilities by Board and Interim Superintendent as evidenced by observance of Board Operating Procedures
- Stay and rescind authority not exercised by State Trustee for four consecutive Board meetings
- Continued progress by District and schools towards reaching 800 on the API
- Continued improvement on test scores by a minimum of 10% on the AYP annually
- Determination by State Trustee that the local Board is ready for full governance authority
Dr. Michael W. Kirst, President  
State Board of Education  
August 23, 2011  
Page 4

**Long-Term Vision (continuance):**

<table>
<thead>
<tr>
<th>Goal Areas</th>
<th>Benchmarks</th>
<th>Timeline</th>
</tr>
</thead>
</table>
| **Board Governance**        | • Board /Interim Superintendent/State Trustee are working together as a team.  
                             • Board is operating in a cooperative and effective manner. Indicators would include the following:  
                               - Actions taken in alignment with the Corrective Action Plan and in the best interests of the District.  
                               - Minutes are acted on in a timely manner, e.g. meeting-to-meeting.  
                               - Board is observing its Operating Procedures, e.g. leaves personnel matters to district staff. | Ongoing  |
| **Improved Student Achievement** | • Schools continue to exhibit growth on the California Standards Test and a trend of improvement is established.  
                                          • Multiple schools exit Program Improvement status.                                                                                           | Ongoing  |
| **Highly Qualified Work Force** | • Board supports the hiring of highly qualified teachers, effective employees, and allows management to carry out an accountability system.  
                                         • Educational Services Department continues as the cornerstone for supporting instruction in the schools.                                  | Ongoing  |
| **Fiscal Responsibility**   | • Board ensures that District is operating in a fiscally conservative and responsible manner, e.g. District reserves are built to assist with the elimination of the structural deficit factor.                 | Ongoing  |

Your consideration of the above-mentioned is appreciated.

Cc:   Sue Burr, Executive Director  
       Patricia de Cos, Deputy Executive Director
August 24, 2011

Dr. Michael W. Kirst, President
State Board of Education
1430 N Street
Sacramento, California, 95814

Re: Recommendation for Change of Governance Authority from Option A to Full Local Governing Authority with Demonstrated Substantial Progress

Dear Dr. Kirst,

As you are aware, I was appointed as the trustee for Greenfield Union School District and given the following Scope of Authority and Duration of Responsibilities as follows: The State Superintendent of Public Instruction (SSPI) recommended that the trustee have stay and rescind powers over decisions of the local governing board and district superintendent. The State Board of Education approved this recommendation as presented. This Option A “Scope of Authority” directs Trustee Martinez to “monitor and review the operation of the LEA throughout the term of the service”. This Option A further directs that: “Within the first 120 days of the term of service, the trustee will conduct a written assessment determining the source, pervasiveness and severity of the LEA’s performance problems. Within 60 days of the completion of the assessment, the trustee will develop a corrective action plan designed to correct the performance problems and remedy the corrective action status of the LEA. The local governing board will generally retain its existing powers and authorities, including its authorities with respect to the district superintendent. The local governing board will exercise its powers and authorities to implement the details of the corrective action plan. During the period of service, the trustee may stay or rescind any action of the local governing board that, in the sole judgment of the trustee, is inconsistent with the corrective action plan or which otherwise may adversely impact the LEA.” To accomplish full implementation of the oversight and direction as described in Option A, Trustee Martinez developed an extensive Corrective Action Plan.

Recommendation
After almost sixteen months of careful oversight and constructive change in governance brought about through specific implementation of the Corrective Action Plan, I would like to make the following recommendation:
The Board of Trustees and Superintendent have made great progress towards becoming an effective governing team and should be prepared to assume full governing authority before the end of the three year minimum term specified in the SBE’s May 2010 motion. It is recommended that the State Board authorize the SBE President and Executive Director to move the district from Option A to full local governing authority on or before June 30, 2012 and/or as soon as they are satisfied that the local board has substantially met the following criteria:

- 100% of board policies and administrative regulations adopted and implemented for at least 6 months.
- Each board member has attended a minimum of 12 governance training sessions
- Each board member has enrolled and regularly attending, or completed, CBSA masters in Governance Training.
- Board and Superintendent have demonstrated understanding regarding their roles and responsibilities as outlined in Board Policies; fully implement the Governance Handbook including commitments, protocols, and agreements.
- The trustee has not had to exercise stay and rescind authority for 4 consecutive board meetings.
- District schools will show progress toward reaching 800 on their API.
- Schools will improve their test scores by a minimum of 10% on the AYP annually.
- Trustee, based on her experience and observation, determines the local board is ready.

**Rationale**

At the August 24, 2011 Board meeting I provided the GUSD Trustees with a preview of my recommendation to the State Board of Education of how the district can move from Option A Authority to full local governance.

The attached *Performance Objectives Progress Report* clearly indicates that significant progress has been made in the areas noted on the report. This report is a scheduled agenda item for the September 14, 2011 Board meeting. Trustees will have an opportunity to discuss the report, criteria, and progress toward attaining full local governance. This earlier than expected dialogue is possible, given my observation as a State Appointed Trustee that progress has been made.

**Steps for the Future**

Once SBE has determined that the above mentioned criteria have been substantially satisfied and the district begins operating under full local governing authority, it is anticipated that the State Appointed Trustee would exit no later than June 30, 2012. This would ensure that systems and academic changes, as noted in the Corrective Action Plan, remain firmly in place.
Today’s Learners, Tomorrow’s Leaders

493 El Camino Real               Greenfield, CA  93927                  Phone:  831-674-2840            Fax:  831-674-3712

Norma Martinez
State Appointed Trustee

cc:  Sue Burr, Executive Director
     Patricia de Cos, Deputy Executive Director

Arthur Salvagno, Board President  Maria A. Castillo, Clerk  Robert White, Member
Sonia M. Heredia, Member  Jose Vasquez, Member
**Goal: Develop a high functioning district with high academic achievement for students**

<table>
<thead>
<tr>
<th>Areas of Focus</th>
<th>Performance Objectives</th>
<th>Preliminary Implementation Strategies Developed in 2010-2011</th>
<th>Progress Toward Meeting Performance Objectives as of July 1, 2011</th>
</tr>
</thead>
</table>
| 1. Conduct an Assessment of District Needs | Complete Comprehensive Assessment of the District’s problems/deficits contributing to the underperformance of students | DAIT provider will complete district capacity study.  
The DAIT provider will work with the Trustee and Superintendent to complete all assessments and reports of the district’s problems and/or deficits contributing to the severe underperformance of students.  
Submitted to State Board of Education and approved prior to September 30, 2010 | The following was accomplished:  
Submitted to State Board of Education and approved prior to September 30, 2010 |
| 2. Develop a District Corrective Action Plan | A Corrective Action Plan will be created based on the findings of the Comprehensive Needs Assessment Report | The district will be required to implement the identified needs addressed in the Corrective Action Plan in the following areas: Governance, Instruction, Fiscal, Human Resources, Data Systems, Professional Development, & Parent/Community Involvement.  
*Performance objectives will be revised according to additional findings in assessment report.* | The following was accomplished:  
Submitted to State Board of Education by November 30, 2010 and posted as an informational memo on April, 2011. This extensive Corrective Action Plan was developed and systematically implemented through:  
1) Approval of local Board of Trustees (November 18, 2010),  
2) Review and implementation by the District Leadership Team;  
3) Delivery of strategies through District mainstream and Special Education teachers as well as instructional support |
| 3. Improve District Governance | Review all district Board policies, administrative regulations and protocols to conform to state and federal requirements. | All necessary revisions, additions, deletions of district board policies and administrative regulations will be reviewed by California School Board Association (CSBA) and district staff for board adoption as appropriate. | The following was accomplished: 80% OF Board Policies and AR’s were completed by July 1, 2011. The commitment is to complete all of the board policies and post them on-line for users. The Superintendent and her assistant have been designated to verify that all managers, schools and educational community committees have electronic access to up-to-date policies. Eight (8) Governance Training Sessions with the Superintendent and the Board conducted by CSBA were completed by July, 2011. The school board has a new Governance Handbook; a mission and vision statement; commitment statements; a code of conduct; a protocol for conducting public meetings; and a firm commitment to improved governance. All can be viewed on the GUSD Webpage. All board members have or will participate in CSBA’s Master’s in Governance program. Two Board members currently enrolled in Masters in Governance Training sessions through CSBA. Two of Board members hold a Certificate of Completion of Masters in Governance through CSBA. One member will be enrolled in the 2011-2012 school year. |
| 4. Establish an Effective Communication Plan | Create a two-way communication plan for | A Communication Plan will be developed with structures and calendars. | The following was accomplished: All actions which included systems, structures and calendars have... |
| Communication Process | all stakeholders regarding student achievement, academic expectations and accountability requirements. | protocols that outline the flow and means of communication among and between all employee groups and community. The Communication Plan will convey information about district initiatives, student achievement, academic expectations and accountability requirements. A list with calendared dates for Board meetings, agendas and minutes will be developed. All Board meetings will be followed by electronic communication to district administrators and principals of meeting outcomes and actions. An annual calendar and agenda format will be established for administrative meetings with outcomes communicated to participants and the Board of Education. A district bulletin system and administrative handbook will be developed. | *been completed.* A comprehensive communication plan was developed by the interim superintendent and was board approved in March, 2011. The purpose of the plan is to present a clear and concise framework for communicating with the school community. The plan addresses two main types of school district audiences: 1) internal (student, staff, administration, board of trustees) and 2) external (parents, businesses, civic groups, religious groups and other members of the Greenfield community). Examples include weekly newsletters to parents, community forums, media outreach, superintendent newsletters, board highlights, e-mail blasts, and other activities that give the district visibility in the community. |

<p>| 5. Improve Student Academic Achievement | Improve student performance at all schools: • Two Schools out of four (Chavez &amp; Oak) with an API of 700+ will exit Program Improvement | Review all relevant student data for improving instruction for students. Strict adherence and implementation of the Corrective Action Plan to improve student performance at all schools. | The following was accomplished: By June 2011: Chavez &amp; Oak Schools will have exited PI status. The district is awaiting results. <em>Chavez</em>: STAR Test data will be released on August 24, 2011. Based on preliminary review of student by student data, it is anticipated that the District will have to complete some data correction during the October timeline provided by the CDE. With this anticipated |</p>
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<th>6. Comprehensive Professional Development Plan</th>
<th>Create a comprehensive professional development plan for all employees.</th>
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<td>Implement the professional development component as identified in the Corrective Action Plan to include but not limited to:</td>
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<td>- Provide materials-based training to teachers and administrators in the adopted mathematics and reading language arts instructional programs</td>
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<td>- Train principals and coaches to implement the curriculum and effective teaching techniques as measured by the academic program survey.</td>
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<td>- Provide training and ongoing support to coaches in assisting teachers with developing differentiated lesson plans</td>
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<td>Strategies will include a focus on all subgroups and in particular students who are English Learners and students with disabilities.</td>
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<td>correction, Chavez will be in a position to safe harbor and exit PI status.</td>
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<td><strong>Oak:</strong> A similar detailed review of Oak data will be completed</td>
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<td><strong>Vista Verde:</strong> Continue the strict adherence and implementation of the Corrective Action Plan and continued implementation of strategies with all focus groups and subgroups to meet June, 2012 timeline.</td>
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<td><strong>GES:</strong> Greenfield Elementary School was awarded a SIG Grant. The school was transformed via the design of two small academies: Mary Chapa K-2; El Camino Real, 3-5. Additionally, a decision was made to expand into grade 6 for the 2011-2012 school year. These academies are focused on academic acceleration through literacy, science and technology to reverse the chronic under achievement.</td>
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<td><strong>The following was accomplished:</strong></td>
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<td>A full calendar of professional development was achieved at the district and school sites resulting in cultural shifts, improved instruction, better leadership and systematic reform. Everyone is anxiously awaiting the test results.</td>
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<td>All principals participated in formal training and classroom walk through support.</td>
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<td>Additional teacher training was available this summer; 40-hours of support for both reading language arts and mathematics. All summer activities will be followed by extensive support throughout the school year.</td>
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<tr>
<td></td>
<td>Classroom walk through training was provided this summer and additional site specific support is planned for 2011-12.</td>
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| | The focus of 2010-11 has been refinement of data protocols. During 2011-12, principals and coaches will work with teachers to engage
| 7. Evaluation Systems of District Employees | Create effective evaluation documents and protocols for evaluating staff. | Design effective evaluation tools for administrators and teachers. Formulate, define, and adopt systems for evaluation which include student performance as one criterion. | The following was accomplished: The State Trustee has implemented a district systematic plan to build specific leadership skills that ensure principal support and increased student achievement. All programs have been fully implemented; formative data collected; collaborative settings have been used to review results and discuss next steps to improve instruction quarterly; and teachers have received real time feedback on student achievement. Principals have participated in all the collaborative meetings. An executive coach has assisted principals to improve their skills and will continue in 2011-2012. Revision of the teacher evaluation process has been slated for action for the 2011-2012 school year by the district leadership and the Greenfield’s Teacher’s Association. A review of the existing administrator evaluation process and timelines was begun in the fall of 2010. However, the subsequent retirement of the superintendent postponed progress in this area pending a selection of the permanent superintendent. |
| 8. Improve Data Collection & Data Analysis | All school sites will uniformly administer and analyze common district benchmark assessments. | District will be using the On-line Assessment Reporting System (OARS) operating system to develop formative assessments appropriate to grade levels, and INSPECT Formative Assessments were used three times to measure standards-based learning. Data were reviewed by all school sites. |
| 9. Collective Bargaining Contracts | The district’s collective bargaining agreements will be negotiated and ratified. | Meet as necessary with the union leadership to meet and confer regarding negotiation and ratification of the collective bargaining contract. | The following was accomplished:
By November, 2010, Superintendent and District team successfully negotiated with the Greenfield Teachers Association completion of the 2008-2009, 2009-2010, and 2010-2011 bargaining agreements, which had not been current. Both teams are in the beginning stages of negotiating the new contract for the 2011-2012.

Regularly scheduled monthly meetings with GTA/CSEA (part of communication plan) lead to resolution of both certificated and classified issues as they arose including the sensitive personnel in teacher re-assignments necessary for meeting the needs of children for the 2011-2012 school year.

There was one CSEA grievance that was filed and resolved amicably recognizing that no contract violation had occurred for the entire year.

This positive relationship allowed the focus to remain on curriculum restructuring, professional development, and a system that is student focused and data driven. |
|---|---|---|---|
| 10. School Facilities | A District Facilities Master Plan will be developed and | Trustee will work with Superintendent and staff to design the new facilities master plan for potential student | The following was accomplished:
The current Facility Master Plan is four years old. However, on November 18, 2010, a comprehensive District facility update was |
implemented.  presented to the Board of Trustees, in the context of bond measure, redevelopment fees, and deferred maintenance allocations. All projects were delineated by specific site.

The District is currently working with VANIR Associates to complete a feasibility review for constructing a new school at the original Greenfield Elementary School site. The District has secured funding of $74,000 grant for initial Toxic Substance Control study and report.

Plans are underway through staff and VANIR Associates to request funding through one or more School Facility Program projects. The Board has taken action to designate District representatives to accomplish the task of obtaining funding for a new school.

| 11. Systems | Develop structures and systems at the district, site and classroom levels for long-term student success | Program Advisories will be a standard format for school and district communication throughout the system and communicate the full implementation of the Academic Program. | The following was accomplished: Previous Superintendent developed a template for the “Program Advisory”. Upon her retirement on December 31, 2010, this particular action step was deferred for implementation in year 2011-2012. |
ITEM 24
# Public Comment

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

<table>
<thead>
<tr>
<th>Subject</th>
<th>Action</th>
<th>Information</th>
<th>Public Hearing</th>
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## Recommendation

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

## Summary of Previous State Board of Education Discussion and Action

N/A

## Summary of Key Issues

N/A

## Fiscal Analysis (As Appropriate)

N/A

## Attachment(s)

None