

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2018 Agenda Item #W-15

## Subject

Request by two local educational agencies to waive the State Testing Apportionment Information Report deadline as stipulated in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A), regarding the California English Language Development Test; or Title 5, Section 862(b)(2)(A), regarding the California Assessment of Student Performance and Progress System.

## Waiver Number

* Pomona Unified School District 21-12-2017
* Shandon Joint Unified School District 27-11-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

State regulations for the California English Language Development Test (CELDT), and the California Assessment of Student Performance and Progress (CAASPP) System each include, as a condition to be eligible for apportionment reimbursement, an annual deadline for the return of a certified State Testing Apportionment Information Report for prior year testing. The local educational agencies (LEAs) filing for this waiver request missed the regulatory deadline for one or more State Testing Apportionment Information Report(s) for the 2014–15 and/or 2015–16 school years.

## Authority for Waiver

California *Education Code (EC)* Section 33050

## Recommendation

* Approval: Yes
* Approval with conditions: No
* Denial: No

## Summary of Key Issues

Each fall, the California Department of Education (CDE) develops separate State Testing Apportionment Information Reports for the CELDT and CAASPP compiled from data produced by the testing contractors. Standardized Testing and Reporting reports were developed and distributed from 1998 to 2013. The reports include the amount to be apportioned to the LEA based on the number of pupils tested during the previous school year. The CDE distributes the reports to the LEAs. State regulations require each LEA to certify the accuracy of the report by returning a signed report to the CDE by the regulatory deadline.

The LEAs filing for this waiver request missed the regulatory deadline for one or more State Testing Apportionment Information Report(s) for the 2014–15 and/or 2015–16 school years.

CDE staff verified that these LEAs submitted their report after the deadline and are required to submit a waiver as a condition to receive the applicable apportionment reimbursement.

**Demographic Information:**

Pomona Unified School District has a student population of 24,314 and is located in a suburban area of Los Angeles County.

Shandon Joint Unified School District has a student population of 320 and is located in a rural area of San Luis Obispo County.

**Because this is a general waiver, if the State Board of Education (SBE) decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved all previous LEA requests to waive the State Testing Apportionment Information Report deadline since deadlines for submission of the State Testing Apportionment Information Reports were added to the California Code of Regulations. The SBE Waiver Policy 08-#: State Testing Apportionment Information Report Deadline is available at <https://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc>.

## Fiscal Analysis (as appropriate)

If these waivers are approved, these two LEAs will be reimbursed for the costs of the CELDT and/or the CAASPP System for the 2014–15 and/or 2015–16 school years. Total costs are indicated on Attachment 1, and the waiver requests from the LEAs are included as Attachments 2 and 3.

## Attachment(s)

* **Attachment 1:** Summary Table (1 Page)
* **Attachment 2:** Pomona Unified School District General Waiver Request 21-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Shandon Joint Unified School District General Waiver Request 27-11-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* (*EC*) Section 33050

| Waiver Number | Local Educational Agency | Period of Request | Test Report(s) Missing | Report(s) Submitted | School Year(s) | Apportionment Amount | Union Position |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 21-12-2017 | Pomona Unified School District | **Requested:**  July 1, 2016 to March 1, 2017  **Recommended:**  July 1, 2015 to March 1, 2016 | California Assessment of Student Performance and Progress (CAASPP) | Yes | 2015–16 | $57,601.16 | Support |
| 27-11-2017 | Shandon Joint Unified School District | **Requested:**  March 1, 2017 to November 25, 2017  **Recommended:**  July 1, 2015 to March 1, 2016 | CAASPP | Yes | 2015–16 | $637.88 | Support |

Created by California Department of Education

January 2018

# Attachment 2: Pomona Unified School District 21-12-2017

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1964907

Waiver Number: 21-12-2017

Active Year: 2017

Date In: 12/15/2017 1:55:37 PM

Local Education Agency: Pomona Unified School District

Address: 800 South Garey Ave.

Pomona, CA 91766

Start: 7/1/2016

End: 3/1/2017

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

Ed Code Title: CAASPP

Ed Code Section: 60640

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Section 862 Apportionment Information Report (B) if transmitted after March 1, the apportionment information report must be accompanied by a waiver request as provided by Ed. Code section 33050.

Outcome Rationale: Due to internal factors, Pomona Unfied School District did not meet the submission deadline. As instructed by the California Department of Education, a waiver to request approval from the State Board of Education to submit the CAASPP 2015-16 Apportionment Information Report is being filed. We are requesting reimbursement of the CAASPP per the 2015-16 Apportionment Information Report. The reimbursement funds assist the district in covering the cost of administering assessments

Student Population: 24314

City Type: Suburban

Public Hearing Date: 12/13/2017

Public Hearing Advertised: Website per board agenda and notice of public hearing posted at all local schools as well as 2 public libraries.

Local Board Approval Date: 12/13/2017

Community Council Reviewed By: Board Members: Andrew Wong, Frank Guzman, Roberta Perlman, Jason Rothman

Community Council Reviewed Date: 12/13/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Silvia San Martin

Position: Director

E-mail: [Silvia.Sanmartin@pusd.org](mailto:Silvia.Sanmartin@pusd.org)

Telephone: 909-397-4800 x23833

Fax: 909-629-9750

Bargaining Unit Date: 12/13/2017

Name: APT

Representative: Dorothy Kim

Title: APT President

Position: Neutral

Bargaining Unit Date: 12/13/2017

Name: CSEA

Representative: Marianna Orozco

Title: CSEA President

Position: Neutral

# Attachment 3: Shandon Joint Unified School District 27-11-2017

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4068833

Waiver Number: 27-11-2017

Active Year: 2017

Date In: 11/21/2017 1:50:10 PM

Local Education Agency: Shandon Joint Unified School District

Address: 101 South First St.

Shandon, CA 93641

Start: 3/1/2017

End: 11/25/2017

Waiver Renewal: No

Waiver Topic: State Testing Apportionment Report

Ed Code Title: CAASPP

Ed Code Section: 862

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 862, 32A: transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by March 1

Outcome Rationale: District staff thought that the report had submitted by March 1st but the email had been lost between shifting and replacing of personnel.

Student Population: 320

City Type: Rural

Public Hearing Date: 11/14/2017

Public Hearing Advertised: Information was posted at all school sites, District MOT Office, District Office,& County Library

Local Board Approval Date: 11/14/2017

Community Council Reviewed By: School Site Council and DELAC Meeting

Community Council Reviewed Date: 11/8/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Shannon Kepins

Position: Principal

E-mail: [skepins@shandonschools.org](mailto:skepins@shandonschools.org)

Telephone: 805-238-1782

Fax: 805-238-1782

Bargaining Unit Date: 10/23/2017

Name: California School Employees Association

Representative: Aleks Hewitt

Title: CSEA President

Position: Support

Bargaining Unit Date: 10/20/2017

Name: Shandon Teachers' Association

Representative: Jill Smith

Title: CTA President

Position: Support