

INFORMATION MEMORANDUM

DATE: January 29, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction

SUBJECT: Draft Waiver Guidelines for the Algebra I Requirement

At the January 2004 State Board meeting, a waiver request was considered from the Santa Cruz City Schools pertaining to a provision of law (that became operative in 2003-04) requiring students to complete Algebra I (or its equivalent) as a condition of receiving a high school diploma. Subsequent to the January meeting, and based upon the State Board's consensus direction, the California Department of Education (CDE) distributed a letter to school districts and county office of education summarizing the action taken on the Santa Cruz waiver and suggesting that waiver requests meeting similar parameters would be eligible for consideration as consent matters at the March 2004 meeting.

The State Board also requested that waiver guidelines be prepared for consideration as a February Information Memorandum and, subsequently, as an action item (at the March 2004 meeting). The waiver guidelines were to be based upon the action taken on the Santa Cruz waiver with appropriate elaboration for statewide application.

[Attachment 1](#): Draft Waiver Guidelines: Consent Calendar Qualification for General Authority Waiver Requests of the Algebra I Completion Requirement for High School Graduation (3 pages)

**Draft Waiver Guidelines:
Consent Calendar Qualification for General Authority Waiver Requests of the
Algebra I Completion Requirement for High School Graduation**

Background

In 2000, legislation was enacted to require students – as a condition of receiving a high school diploma – to complete Algebra I.¹ The Algebra I requirement applies beginning with students graduating in 2003-04.

The State Board of Education has been advised that some students who would otherwise be eligible to receive a high school diploma in 2003-04 have not had the opportunity to complete Algebra I (prior to 2003-04) as the result of improper counseling or other failure by the local education agencies (LEAs) in which they attend school. These waiver guidelines are for the purpose primarily of assisting students who confront these unfortunate circumstances.

As the guidelines include proposed conditions that must be undertaken by April 2, 2004, they are applicable only to waiver requests processed for the March 2004 State Board meeting, and for waiver requests received by April 2, 2004, which will be considered at the May 2004 State Board meeting.

Waiver requests that satisfy the proposed conditions outlined below are to be placed on the consent agenda for the March and May 2004 State Board meetings.

The specific text being waived is *Education Code* Section 51224.5(b), which reads:

(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.

Purpose of waiver

To permit the local education agency (LEA) applying for the waiver to award high school diplomas in 2003-04 to otherwise qualified students who lack only the completion of Algebra I.²

¹ *Education Code* Section 51225.4(b) specifies in effect that students must complete the content of Algebra I, which may be in the form of a specific course by that name or a series of integrated mathematics courses (typically also including the content of Geometry and Algebra II). Where these guidelines use the term “Algebra I,” the broader meaning just described is intended.

Proposed conditions for placement on the consent agenda

1. All students who are otherwise eligible to receive a high school diploma in 2003-04, but who have not completed Algebra I are currently enrolled in and are being encouraged to complete Algebra I during 2003-04.
2. All students (and their parents/guardians) who will otherwise become eligible to graduate in 2004-05, but who have not completed Algebra I will be:
 - Advised immediately of the Algebra I completion requirement; and
 - Receive counseling in selecting summer school classes in 2004 and/or regular classes during the 2004-05 school year to ensure that they have the opportunity to complete Algebra I (or its equivalent).
3. The LEA specifically acknowledges that the State Board of Education does not intend to consider as a consent matter waiver requests pertaining to the Algebra I completion requirement for students to receive high school diplomas in 2004-05 and thereafter.
4. By Friday, April 2, 2004, the LEA provides the California Department of Education a status report on all of its students who intend to graduate in 2003-04 and 2004-05, but who have not completed Algebra I, and the efforts being made to facilitate their completion of the course. At a minimum, the status report is to include:
 - A listing of the names of the affected 2003-04 students with a brief (one- or two-sentence) description of why each of the students did not complete Algebra I prior to 2003-04.
 - A certification, signed by the superintendent (or authorized designee) of the LEA, that the provision relating to notification of 2004-05 students/parents/guardians has been met, supported by evidence such as a sample letter to students/parents/guardians and a directive to the high school's counselors.

The status report shall be delivered to the Waiver Office, California Department of Education, 1430 N Street, Sacramento, California, 95814, along with (unless previously delivered) the waiver request. The Waiver Office (assisted as may be necessary by other CDE staff) is to review the documentation for completeness and consistency with these conditions, then present it to the Executive Director of the State Board of Education with a recommendation as to whether the conditions have been met (or that processes are in place to ensure that the conditions will be met) as appropriate.

² The requirement to complete Algebra I as a condition of receiving a high school diploma applies to all students beginning in 2003-04, including, for example, students in adult, alternative, and charter schools and in special education.

5. By Friday, April 30, 2004, the Executive Director of the State Board of Education will determine whether the conditions have been met (or that processes are in place to ensure that the conditions will be met) as appropriate.
 - For purposes of waivers acted upon at the March 2004 State Board meeting, if the Executive Director determines that the conditions have been (or will be) met, this waiver is operative. If the Executive Director determines that the conditions have not been (or will not be) met, this waiver is denied pursuant to the reasons justifying denial that are set forth in *Education Code* Section 33051(a)(1) – the educational needs of pupils are not adequately addressed – and (4) – pupil protections are jeopardized. If the waiver is denied in keeping with this procedure, the affected LEA will be offered the option of having the denial placed on the May 2004 State Board agenda for purposes of reconsideration, subject to the public notice limitations of the Bagley-Keene Open Meeting Act.
 - For purposes of waivers to be acted upon at the May 2004 State Board meeting, if the Executive Director determines that the conditions have been (or will be) met, the waiver will be recommended for approval. If the Executive Director determines that the conditions have not been (or will not be) met, the waiver will be recommended for denial pursuant to the reasons justifying denial that are set forth in *Education Code* Section 33051(a)(1) – the educational needs of pupils are not adequately addressed – and (4) – pupil protections are jeopardized.

Status of 2003-04 seniors – otherwise eligible to graduate – who lack completion of Algebra 1

Any 2003-04 student – otherwise eligible to graduate – who lacks completion of Algebra I is not eligible to receive a diploma unless the LEA has an approved waiver. Waiver requests as outlined above are eligible for consideration as consent matters by the State Board of Education. Such a student may also become eligible to receive a diploma by completing Algebra I in summer school (2004), and any LEA who has a student in that circumstance is encouraged to give the student priority for summer school enrollment.