

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-2

Subject ADULT EDUCATION INNOVATION AND ALTERNATIVE
INSTRUCTIONAL DELIVERY

[Attached](#) is the supplemental recommendation of Approval with Conditions for the Los Angeles Unified School District waiver request to increase their adult education state block entitlement of 5 percent to 7 percent.

Please NOTE: CDE staff recommendation is for one more non-consecutive year, therefore, *Education Code* (EC) Section 33051(c) will not apply.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-2

<p>TITLE: Request by Los Angeles Unified School District to waive <i>Education Code</i> section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program).</p> <p>CDSIS: 39-3-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval, on the condition that for further renewal of this waiver, the district must provide an evaluation with CDE staff pre-approval, containing other criteria as described in the waiver analysis (attached Conditions of Renewal) and the waiver is only for one more non-consecutive year, therefore *Education Code* **33051(c)** will not apply.

Summary of Previous State Board of Education Discussion and Action:

Note: In March 2002, the Board took formal action and approved a waiver guideline policy for this program that includes four requirements and a special consideration for waiver renewal requests.

In June 2001, the Board approved a request by Los Angeles Unified School District (LAUSD) to waive *Education Code* section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program. In June 2002, the Board approved an additional, non-consecutive-year waiver for LAUSD, because some areas of a newly-adopted Board waiver guideline policy were not fully met.

In March 2002, the Board approved a request by Torrance Unified School District to waive *Education Code* section 52522(b) to increase its adult education state block entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program. The District submitted all items requested in the (then) proposed State Board of Education waiver guidelines. In March 2003, the Board approved an additional year-less-one-day waiver for Torrance Unified School District after the California Department of Education (CDE) discussion of seeking a statutory change rather than utilizing the waiver process for this type of request. The Board agreed to continue on a year-to-year basis while the CDE investigates a legislative remedy.

In March 2003, the Board approved a request by Simi Valley Unified School District to waive *Education Code* section 52522(b) to increase their adult education state block

entitlement of 5 percent to 7 percent for implementation of an approved Adult Innovation and Alternative Instructional Delivery Program. The District submitted all items requested in the State Board of Education waiver guidelines.

Summary of Key Issue(s):

In 1993 the California Legislature passed *Education Code* section 52522 permitting the Superintendent of Public Instruction to approve adult school plans to spend up to **5 percent** of the district's block entitlement on innovation and alternative instructional delivery without the same attendance accounting procedures as required for the other 95 percent of the average daily attendance reported to the state. Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the California Department of Education per *Education Code* section 52515, and certification of an approved attendance accountability system is required. All ten mandated adult education program areas are eligible, however the majority of approved applications offer coursework in Elementary Basic Skills, English as a Second Language (ESL), Citizenship, and Parent Education.

Lower level adult learners are the primary beneficiaries of the Adult Education Innovation and Alternative Instructional Delivery Program. Checking out video and print materials—a decidedly low cost, low-tech approach—has been the most prevalent intervention; however approved alternative instructional delivery modes also include live cable broadcast, audio check-out, text, workbook and study packet assignments, and computer-based delivery.

The Board adopted waiver guidelines in March 2002 for local educational agencies that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from 5 percent to an amount not greater than 7 percent. Those guidelines included as assessment of student achievement in the alternative delivery system as compared to that of students in the traditional classroom delivery system.

As a condition for approving LAUSD's Innovation Program waiver last May, the State Board of Education requested that LAUSD compare the academic gains of adult students only enrolled in Innovation Program English as a Second Language (ESL) with those of students only enrolled in traditional ESL classroom instruction. Although LAUSD reports preliminary findings in student performance, it does so through a non-standardized and non-validated test instrument developed by curriculum specialists and not test developers, and not the standardized tests required for adult education state and federal accountability.

LAUSD has submitted all items requested in the State Board of Education waiver guideline and the review of documentation generally supports waiver approval, although elements of the required student achievement documentation are less than satisfactory (item 4, third bullet).

Therefore, the Department recommends approval for one-year-less one-day on the basis of this information, for the 2002-2003 fiscal year.

CONDITIONS OF RENEWAL

The CDE recommends approval of the district's waiver for **one additional non-consecutive year**. In order for the Board to grant a renewal of this waiver, the district must provide documentation demonstrating achievement of students in the adult education innovation and new

technologies delivery program that is equal to or better than that of students in the regular adult education state apportionment program. This evaluation must meet the following conditions: (1) assessments must include results from CASAS assessment instruments, and the administration of these instruments must meet procedures contained in the CASAS 2002-03 Administration Manual for California; (2) students must take a pretest commensurate with their educational functioning level and an appropriate posttest to the pretest to measure student learning gains; (3) the students in the distance learning modality must complete modules that are representative of the time of instruction provided to those students in a classroom delivery system; and (4) prior to the implementation of evaluation study, the district must obtain approval of the research design b CDE.

Bargaining unit(s) consulted on: February 27, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: John Perez, Ernest Kettenring

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: February 25, 2003

Local board approval date: February 25, 2003

Advisory committee(s) consulted: Los Angeles Unified School District Distance Learning
Advisory Council

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: October 10, 2002

Effective dates of request: July 2, 2003 to June 30, 2004

Fiscal Analysis (as appropriate):

Approval adjusts the percentage within the District's fixed 2002-2003 adult education block entitlement. No additional funding requested.

Background Information:

Waiver request forms and supporting documents are attached.

Waiver Guidelines SUMMARY OF KEY ISSUE(S):

The waiver request includes the following:

1. Verification that all other requirements of the Adult Education Program in the LEA are in current statutory compliance.

Meets Does not meet

On February 7, 2003, the California Department of Education's 2002-03 Coordinated Compliance Review (CCR) of the district's adult education program did not identify any noncompliance items.

2. Verification that the ratio of average daily attendance for adult education innovation and alternative instructional delivery pupils to certificated employees responsible for adult education innovation and alternative instructional delivery shall not exceed the equivalent ratio of pupils to certificated employees for all other adult education programs operated by the district.

Meets Does not meet

LAUSD verification submitted and on file. The established teacher to student ratio for Distance Learning is

1:25, the same target ratio as in other adult education programs.

3. Verification that the district's prior three-year history for annual apportionment indicates growth, stability, or not more than a 4.5 percent decline per year. Changes in the number of students with limited access that may support overall ADA loss in the regular adult education state apportionment program must be documented.

Meets Does not meet

LAUSD verification submitted and on file.

4. A request for an increase of the adult block entitlement from **5 percent to an amount not greater than 7 percent**. Information and documentation in all of the following three areas will be required for consideration of the waiver:

- Increased Number of Students with Limited Access to Traditional Education Options

LAUSD's verification of an increase of ESL population has been submitted and is on file. ADA generated through the Innovation Program offerings has increased.

Meets Does not meet

- Increased Program Capacity

LAUSD's verification has been submitted and is on file. The Innovation Program provides relief from the classroom space shortage adult education is experiencing because of increased K-12 enrollment and their voluntary participation in the class size reduction program in K-3.

Meets Does not meet

- Improved Student Assessment Documentation

LAUSD’s verification has been submitted and is on file. Comprehensive Adult Student Assessment System (CASAS) testing and evaluation documentation continues to be increasingly utilized by the Innovation Program. However, the district reports student performance only on a test developed by its own curriculum specialists and there is no evidence that the test is valid and reliable for learning in the adult population. In addition, there is no evidence that the sample of students included in the testing meets statistical evidence standards, given the districts large number of students enrolled and participating in the adult education program, or that there is the comparability between the number of student contact hours in the two delivery systems. The documents are considered acceptable for purposes of this approval for one-year-less one-day.

As a condition for approving LAUSD’s Innovation Program waiver last May, the State Board of Education requested that LAUSD compare the academic gains of adult students only enrolled in Innovation Program English as a Second Language (ESL) with those of students only enrolled in traditional ESL classroom instruction.

Student performance was evaluated by the *ESL Competency Achievement Test*. This test was recently developed by LAUSD curriculum specialists. The items were drawn from curricular content for three ESL Course levels—Beginning Low, Intermediate Low and Beginning High. Test items were designed to measure grammar and/or life skill competencies that are typically covered both in the first 8 weeks of an ESL classroom **and** in the first 8 episodes/units of Innovation Program courses. For each level, three versions of the test were developed. Each test has 40 items.

The study was conducted over a three-month period, December 2002 through February 2003. A total of five Adult School sites participated in the study. The total sample size was **378** students. The **208** students in the “Classroom Only” group had completed at least 8 weeks but no more that 20 weeks of instruction. The **170** students in the “Distance Learning Only” group had completed at least 8 but no more than 20 units/episodes of coursework.

Preliminary findings provided by Woolley Consulting, the third party evaluator hired by LAUSD, indicate that: (1) the newly developed *ESL Competency Achievement Test* is an appropriate instrument for performance evaluation and score comparisons for these two groups, and (2) for this student sample, the “Innovation Program” group, with an average score of **33** or 83 percent, **performed better** than “ESL Classroom Only” Group, with an average score **28** or 70 percent.

Meets **Does not meet**