

# GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2004 AGENDA

Item No. W-3

<p><b>TITLE:</b> <b>Oak Park Unified School District (OPUSD)</b> requests a waiver of Title 5, California Code of Regulations (CCR), Section 1032 (d)(1) and (6) to allow <b>Oak Hills Elementary School</b> to be given a valid API score for the 2003 year “despite adult testing irregularities (writing assessment for 18 students in Grade four).”</p> <p><b>CDSIS:</b> 9-11-2003</p>	<p><u>  X  </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>      </u> <b>CONSENT</b></p>
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## RECOMMENDATION:

The Department recommends:

Approval

Denial Per *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.

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

The Title 5 Regulation that the OPUSD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. This regulation allows a school with adult testing irregularities that have affected less than 5 percent of the pupils tested to receive a valid Academic Performance Index (API) for the current year, but not be eligible for participation in any of the API award programs for that year. In 2001, the SBE approved 5CCR 1032(d) (1) and (6):

“In 2001 and subsequent years, a school’s API shall be considered invalid under any of the following circumstances:

(1) The local educational agency notifies the department that there were adult testing irregularities affecting 5% or more of the pupils tested.

(6) If, at any time, information is made available or obtained by the department that would lead to a reasonable doubt that one or more of the preceding circumstances has occurred.”

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## Summary of Key Issue(s):

In this instance, 55 minutes after the beginning of the CST Writing Standards Test, 25 fourth-grade students were given a 20-minute recess. Eighteen students who had not completed the test were allowed to finish it after the recess, which took about 15 additional minutes. OPUSD reported that the irregularity was inadvertent and insignificant, resulting in invalid tests of 5.12 percent of the pupils. In addition, the district believes that neither the inclusion nor exclusion of the scores of the 18 students would have a significant statistical effect on the API of Oak Hill Elementary School. Further, based on interviews of several of the students, Oak Hill believes that none of the students discussed the writing assignment during the recess.

The Public Schools Accountability Act (PSAA) was based on the educational needs of students, particularly those of improving student achievement. The API and resultant award programs were designed to reward schools that exceeded their performance targets, i.e., growth in student achievement. Key to the success of the API is the notion that it is a valid means of measurement. In order to ensure that API scores are valid, proper administration of the tests, which currently provide the data that are used to generate the API score, is crucial. Improper administration of the tests causes the scores to be invalid, which can impugn the integrity of the entire system.

The school Principal agrees that this was an untimed test, and that the administrative manual said that students should remain under supervision. In this instance, the students did not remain under the supervision of the testing administrator during the entire testing period, and 18 students were given time, after a recess to complete the test. There is no way for anyone to know for certain whether the students discussed the questions among themselves during the breach of security before returning to the classroom to complete the test.

Nonetheless, in accordance with the required test administration procedures and SBE criteria, the department recommends denial of the waiver.

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Bargaining unit(s) consulted on: 11/14/03 and 11/20/03

Position of bargaining unit (choose only one):

Neutral                                       Support                                       Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

posting in a newspaper               posting at each school               other

(specify) \_\_\_\_\_

Public hearing held on: 12/1/03

Local board approval date: 11/16/03

Advisory committee(s) consulted:

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

Date consulted: 11/13/03, 11/3/03

Effective dates of request: 2002-2003 testing year

**Fiscal Analysis (as appropriate):**

No state fiscal impact is expected as a result of approving this waiver.

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**Background Information:**

Waiver request forms and supporting documents are attached to this summary.