

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JUNE 2003 AGENDA
Item No. W-4

<p>TITLE: Request by San Francisco Unified School District for a waiver delaying the timelines for the High Priority Schools Grant Program (HPSGP) specified in <i>Education Code (EC) 52052.610(c)(4)(1)</i> for the following schools: John O'Connell High School and Starr King Elementary.</p> <p>CDSIS: CDSIS-45-4-203</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

DENIAL

Summary of Previous State Board of Education Discussion and Action:

The State Board has previously granted retroactive waivers of statutory timelines for both the Immediate Intervention/Under Performing program (II/USP) and High Priority Schools Grant Program (HPSGP) programs.

Summary of Key Issue(s):

The San Francisco Unified School District (SFUSD) seeks a retroactive waiver of the deadline for the High Priority Schools Grant Program (HPSGP) on behalf of John O'Connell High School and Starr King Elementary. **They are specifically seeking waiver of Section 52055.610(c)(4)(1), which sets a deadline of May 15, 2002 for submission of applications and school action plans under this program.** SFUSD was one of 112 schools invited to participate in HPSGP in September 2002. When an additional \$20M became available to fund new HPSGP schools, eligible schools were asked to submit an application to the CDE on or before February 10, 2003. SFUSD alleges that miscommunication about this funding from California Department of Education (CDE) caused both of these schools to decide not to submit applications.

Staff recommends denial of this waiver request based on the fact that SFUSD missed the February 10, 2003 administrative deadline for submission of an approvable application and that there was no miscommunication. This administrative deadline, while not in statute, was established in September 2002 when HPSGP staff became aware of the augmentation to its budget. This augmentation allowed additional schools to be added to HPSGP. Staff was ever mindful that schools needed to receive and spend their awards before June 30, 2003. It was therefore determined that for invited schools to have sufficient time to implement their

plans in 2002-03 they needed to apply by February 10, 2003. This date was selected so that their applications could be approved at the March 2003 meeting of the State Board of Education, and funding could be received shortly thereafter. All invited schools were given the same information as it pertained to their eligibility and the timeline for submission of their applications.

In December 2002 the augmentation was rumored to be in jeopardy. School district personnel from many districts inquired about the future of the HPSGP late round funding. In communicating with the field, the HPSGP office encouraged all the invited schools to finish and submit their applications by the February 10, 2003 deadline so they would be approvable in March if funding were available. SFUSD alleges that they were discouraged to apply in writing, via email, and verbally by HPSGP staff. HPSGP staff has asked SFUSD to provide copies of any written information related to their allegations. To date, HPSGP staff has not received any substantiation of the allegation.

At the May 2003 State Board of Education (SBE) meeting, members unanimously approved Item 13, High Priority Schools Grant Program – New Implementation Grant Awards to fund 56 additional schools, all of whom met the administrative deadline of February 10, 2003. At said meeting, the approved motion language allowed the California Department of Education (CDE) to submit additional schools, as funds would allow per Department of Finance (DOF). The Governor’s May Revision of 2003-04 has confirmed the availability of these funds. As such, the SBE is being asked to approve 30 new schools at its June 2003 meeting. Granting of this waiver would require the removal of expected funds allocated to these 30 schools, therefore the Department believes the waiver should be denied.

Authority for the waiver: E.C. 52055.610(c)(4)

Bargaining unit(s) consulted on:

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Kent Mitchell

Public hearing held on: **not required**

Local board approval date: **4/22/03**

Advisory committee(s) consulted: **not required**

Effective dates of request: **5-15-02 to 7-10-03**

Fiscal Analysis (as appropriate):

Funds allocated to support the schools invited to participate in the late round of funding for HPSGP have been allocated to the 86 schools that complied with the February 10, 2003 deadline. **Currently these are no unappropriated funds to support SFUSD’s request.**

Background Information:

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