

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MARCH 2003 AGENDA
Item No. W-1

<p>TITLE: Request by Torrance Unified School District for a renewal to waive <i>Education Code</i> section 52522(b) to increase their Adult Education state block entitlement of 5 percent to 7 percent maximum for implementation of approved programs (Adult Innovation and Alternative Instructional Delivery Program).</p> <p>CDSIS: 4-12-2002</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: Approval. If approved, for one additional year less one day, so that *Education Code* section 33051(c) will NOT apply.

Summary of Previous State Board of Education Discussion and Action:

In June 2001, the State Board of Education (SBE) approved a request by the 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 anticipation of an increased number of similar requests, California Department of Education (CDE) staff began worked with SBE staff on a Board policy for such waivers Policy 02-01, approved March, 2002, however some areas of the newly-adopted Board waiver guideline policy were not fully acceptable to districts and the department continues to have concerns on this program that should be legislatively addressed.

There are now two districts with limited term waivers (LAUSD good through 6/30/2003, Torrance USD currently through June 30, 2002. Torrance (W-) and Simi Valley (W-) are also requesting permanent waivers at this Board meeting, and a new waiver has been received from Inyo County. The waiver renewal (3rd time) from LAUSD is expected any day now.

The Department continues to recommend only limited one-year non-permanent waivers, and feels that this issue should be taken up legislatively for a final resolution before approving “permanent waivers”

This is the third such waiver for Torrance USD, so it is referred to ACTION for discussion of this decision.

Summary of Key Issue(s):

In 1993 the California Legislature passed *Education Code* section 52522(b) permitting the Superintendent of Public Instruction to approve adult school plans to spend up to **5 percent** of their block entitlement on innovation and alternative instructional delivery. Application requirements include reimbursement and accountability worksheets for all courses. Courses must be approved by the CDE 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.

Torrance Unified School District has submitted all items requested in the SBE waiver guideline (see each item summarized on the following pages) and the review of documentation supports waiver approval. Therefore, CDE **recommends approval on the basis of this information for the 2002-2003 fiscal year, less one day, so that E.C.33051(c) will not apply and feels that this issue should be taken up legislatively for a final resolution before approving “permanent waivers”**

CONDITION OF RENEWAL

In order to be granted a renewal of this waiver, a district must also 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.

Torrance Unified School District submitted learning gain data documentation demonstrating achievement of students in the adult education innovation and new technologies delivery program that is equal to, and slightly better than that of students in the regular adult education state apportionment program.

Bargaining unit(s) consulted on: November 7, 2002

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Mr. William Franchini, Torrance Teachers Association

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other Pre-agenda

Public hearing held on: November 18, 2002

Local board approval date: November 18, 2002

Advisory committee(s) consulted: Site Council

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

Date consulted: October 23, 2002

Effective dates of request: July 1, 2002 through June 29, 2003 (Note district requested 6/30/03)

Fiscal Analysis (as appropriate): Approval alters the percentage within the District's fixed 2002-2003 adult education block entitlement. No additional funding is requested.

Background Information:

Waiver request forms and supporting documents are attached

WAIVER GUIDELINES SUMMARY OF VERIFICATION:

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.

Approval Denial

Torrance USD verification submitted and on file.

Verification includes 2002 Self-Study for 2002 Adult Education Coordinated Compliance Review, 2001 Workforce Investment Act, Title II Compliance Review, and 1997-1998 Adult Education Coordinated Compliance Review. No non-compliant items were identified and the District was commended for its efforts in promoting the concept of a K-Adult district.

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.

Approval Denial

Torrance USD verification submitted and on file.

Verification includes data indicating number of student hours, number of teacher hours, number of assistant hours. The ratio does not exceed that of the other adult education program operated by the district.

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- 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.**

Approval Denial

Torrance USD verification submitted and on file.

Verification indicates continued overall growth within the prior three-year history for annual apportionment as well as yearly growth within ESL student enrollment.

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- 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**

Torrance USD verification of increase of ESL population. Prior three years of program have shown enrollment in excess of 5 percent in ESL leaving the growing population under-served.

Approval Denial

- **Increased Program Capacity**

Torrance USD verification submitted and on file. Documentation includes the addition of "seamless" program procedures, a draft ESL distance learning course manual for personnel, and increased purchase of student learning support materials.

Approval Denial

- **Improved Student Assessment Documentation**

Torrance USD verification submitted and on file. The program has initiated semi-annual independent evaluation and implementation of Comprehensive Adult Student Assessment System (CASAS).

Approval Denial