



CALIFORNIA STATE BOARD OF EDUCATION

MARCH 2004 AGENDA

SUBJECT Immediate Intervention/Underperforming Schools Program (II/USP): Waiver Policy for higher-performing II/USP schools that do not make "significant growth" and are subject to state sanctions	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Information
	<input type="checkbox"/> Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the waiver policy for higher-performing II/USP schools based upon Option 2 as presented in this item.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the January 2004 SBE meeting, two II/USP state-monitored schools (Hester Elementary and Providencia Elementary) requested that the SBE approve their waiver requests to be taken out of the sanctions/intervention process and to be placed "on watch" for another year. The waivers were based on the premise that the schools were higher-performing and therefore should not be subject to state sanctions. The SBE postponed the waiver requests to the March meeting and requested that CDE staff develop a waiver policy for higher-performing II/USP schools that are subject to state sanctions.

SUMMARY OF KEY ISSUES

In 1999, the Legislature enacted II/USP, which provides schools in decile ranks 1-5 an opportunity to apply for funding to improve student achievement in exchange for greater accountability. Schools participating in the program received \$50,000 in the first year to develop an improvement plan and \$200 per student annually to implement the plan for two to three years. In return for the funding, schools agreed to be held accountable for steadily increasing student achievement. According to the law, schools that do not demonstrate "significant growth" as defined by the SBE become subject to state sanctions/intervention at the end of the two or three year period. Based on the recommendation of the Public Schools Accountability Act (PSAA) Advisory Committee, the SBE defined "significant growth" as making at least one point of growth on the schoolwide Academic Performance Index (API).

Three cohorts of approximately 430 schools each have participated, or are still participating, in II/USP. Twenty-four II/USP Cohort I schools were identified as state-

monitored in 2002-03 and therefore became subject to state interventions. One of the schools has subsequently closed. In the current year, 33 schools (27 in II/USP Cohort I and 6 in II/USP Cohort II) have been identified as state-monitored.

All schools currently identified as state-monitored have been assigned a School Assistance and Intervention Team (SAIT). SAIT teams verify the results of an Academic Program Survey (APS) which focuses on the essential components for instructional success. Based on the results, the SAIT recommends corrective actions to improve student achievement and provides the schools with the necessary support to implement the corrective actions.

There have been a few occasions where higher-performing schools have become subject to state sanctions. For instance, a school may have made substantial growth in its first and second year of participation in the II/USP, but not made its growth targets, and then dropped down a few points on its API in its third year of participation. Even though the school has an API decile rank of 6 or higher, the school would be subject to state sanctions because it did not meet the “significant growth” criterion in its third year, or in subsequent years while “on watch.”

Based upon the request of the SBE members in January, CDE staff have developed two options for a waiver policy that could be applied to schools that are subject to state sanctions but are considered higher-performing schools. Both options would allow the school to waive out of the sanction process and be placed “on watch.”

Both options are also based on the requirement that the school be in decile rank 6 or higher. Schools that have negative growth on their current-year schoolwide API must be able to demonstrate that the school is actually a higher-performing school, which means they must be in decile rank 6 or higher according to law. The options differ in terms of congruence with federal law.

Option 1

API Decile Rank ¹	Decile rank of 6 or higher
Multi-year growth ²	The school exceeded its growth target in the previous year to the extent that the growth covered the total growth expectation for both years. (For example, the growth target was 6 points the current year and 5 points the previous year. Therefore, in the previous year the school must have grown by at least 11 points, accounting for the current year’s schoolwide API point deficit on its schoolwide API to cover the growth expectation for the current year.)
API for student groups	A majority of the numerically significant student groups showed positive growth on the API each of the previous two years.

¹ Underperforming schools are defined by law (E.C. 52053) as those schools in decile ranks 1 through 5.

² This provision ensures that the pattern of achievement is not consistently declining.

Option 2

API Decile Rank	Decile rank of 6 or higher
Multi-year growth	The school exceeded its growth target in the previous year to the extent that the growth covered the total growth expectation for both years.
AYP	The school met NCLB Adequate Yearly Progress (AYP). (Meeting AYP means meeting annual measurable objectives (AMOs) in language arts and mathematics schoolwide and for all student groups; meeting participation rate requirements; meeting API requirements; and for high schools, meeting graduation rate requirements.)

The CDE recommends Option 2.

The criteria in both options ensure that schools with steadily declining API scores will not be waived out of the sanctions process because only the previous year's API scores may be used. For instance under Option 1, if the SBE looked at the previous two years of API growth, a school could significantly exceed its growth target the first year, only make "significant growth" the second year and make negative growth the third year. In this scenario, the school would still qualify for a waiver if the growth in the first year were sufficient enough to cover the total growth expectation for the three years, even though the API growth trend is downward.

However, Option 2 requires schools to have all significant student groups meet the NCLB AYP requirement. Including NCLB in the criteria takes into account that a large percentage of II/USP schools receive Title I funds. Staff believe that schools that do not meet the criteria in Option 2 would benefit from the SAIT process.

In analyzing the data of the two schools that submitted waiver requests, Hester Elementary and Providencia Elementary, Hester Elementary fails to meet the criteria in either option because it is in decile rank 5. Providencia Elementary would meet the criteria under either option and be placed "on watch" status.

FISCAL ANALYSIS (AS APPROPRIATE)

Schools that receive a waiver to be taken out of the state sanctions/intervention process will be placed "on watch" and will not receive additional funding allocated for state-monitored schools. This includes \$75,000 for elementary and middle schools and \$100,000 for high schools to conduct the SAIT process and \$150 per student annually for the implementation of the corrective actions for two to three years. Placing higher-performing II/USP schools "on watch" will reduce the cost of state sanctions and interventions.

ATTACHMENT

[Attachment 1](#): California State Board of Education Policy: Waiver guidelines for higher-performing II/USP schools that do not make "significant growth" and are subject to state intervention. (2 pages)



California State Board of Education Policy

POLICY #
XX-04
DATE
DRAFT

WAIVER GUIDELINES
Immediate Intervention/Underperforming Schools Program (II/USP): Higher-performing II/USP schools that do not make “significant growth” and are subject to state intervention

REFERENCES: Authority: Authority: Education Code Section 33050 Purpose: To waive provisions of Education Code Sections <i>52055.5 (b) and (h)</i>
HISTORICAL NOTES None

Education Code (EC) Section(s) involved:

Education Code Sections 52055.5 (b) and (h)

(b) Twenty-four months after receipt of funding pursuant to Section 52054.5, a school that has not met its growth targets each year and has failed to show significant growth, as determined by the State Board of Education, shall be deemed a state-monitored school.

(h) A school that has not met its growth targets within 36 months of receiving funding pursuant to Section 52054.5, but has shown significant growth, as determined by the State Board of Education, shall continue to be monitored by the Superintendent of Public Instruction until it meets its annual growth target or the statewide performance target. If, in any year between the third year of implementation funding and the first year the school meets its growth target, the school fails to make “significant growth”, as determined by the State Board of Education, that school shall be deemed a state-monitored school and subject to the provisions of paragraphs (1) to (10), inclusive, of subdivision (b).

Background

In 1999, the State Legislature enacted II/USP, which provides schools in decile ranks 1-5 an opportunity to apply for funding to improve student achievement in exchange for greater accountability. Schools participating in the program received \$50,000 in the first year to develop an improvement plan and \$200 per student annually to implement the plan for two to three years. In return for the funding, schools agreed to be held accountable for steadily increasing student achievement. According to the law, schools that do not demonstrate “significant growth” as defined by the State Board of Education become subject to state sanctions/intervention at the end of the two or three year period. Based on the recommendation of the Public Schools Accountability Act (PSAA) Advisory Committee, the State Board has defined “significant growth” as making at least one point of growth on the schoolwide API.



California State Board of Education Policy

WAIVER GUIDELINES

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POLICY

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There have been a few occasions where higher-performing schools have become subject to state sanctions. For instance, a school may have made substantial growth in its first and second year of participation in the II/USP, but not made its growth targets, and then dropped down a few points on its API in its third year of participation. Even though the school has an API decile rank of 6 or higher, the school would be subject to state sanctions because it did not meet the “significant growth” criterion in its third year, or in subsequent years while “on watch.”

Waiver Guidelines/Criteria

In order to evaluate a waiver request to release higher-performing II/USP schools from the state sanctions/intervention process and be placed “on watch,” the State Board of Education (SBE) requests that those Local Educational Agencies (LEAs) applying for a waiver provide documentation which the California Department of Education (CDE) professional staff will then use to review and make recommendations about the waiver request. The waiver request should include the following:

1. Verification that the school has a statewide rank of 6 or higher
2. Verification that the school exceeded its growth target in the previous year to the extent that the growth covered the total growth expectation for both years. (For example, the growth target was 6 points the current year and 5 points the previous year. Therefore, in the previous year the school must have grown at least 11 points accounting for the current year’s schoolwide API point deficit on its schoolwide API to cover the growth expectation for the current year.)
3. Verification that the school has met NCLB Adequate Yearly Progress (AYP). (Meeting AYP means meeting annual measurable objectives (AMOs) in language arts and mathematics schoolwide and for all student groups, meeting participation rate requirements, meeting API requirements, and for high schools meeting graduation rate requirements.)