



CALIFORNIA STATE BOARD OF EDUCATION

ITEM #W-12

MARCH 2004 AGENDA

General Waiver

SUBJECT Request by San Jose Unified School District for Hester Elementary School , in Cohort I of the Immediate Intervention/Underperforming Schools Program (II/USP) deemed state-monitored on Nov 12, 2003, (Valid API) to waive sanctions in portions of <i>Education Code</i> (EC) Section 52055.5(h) and remain "on watch" for the 2003-04 school year. Waiver Number: 3-12-2003	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Consent
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RECOMMENDATION

Approval Approval with conditions Denial: EC 33051(a)(1)
Pending decision on March 2004 State Board of Education proposed Waiver Policy for Higher Performing II/USP schools that do not make significant growth.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Hester Elementary was deemed state-monitored at the November 12, 2003 meeting under the provisions of the II/USP because the school failed to make significant growth. Significant growth is defined as making at least one point of growth on the schoolwide API.

At the January 2004 State Board meeting, Hester Elementary School requested that the Board approve their waiver request to be taken out of the sanctions/intervention and to be placed "on watch" for another year. The waiver was based on the premise that the school is higher-performing and therefore should not be subject to state sanctions. The Board deferred the waiver request until March 2004 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

Hester has shown growth on the API 3 out of the last 4 years (first Growth API 1999-2000, through the most recent Growth API 2002-03), which is commendable. However, on the 2003 Growth API Hester Elementary went down 5 points, and based on the results of the California Standards Tests (CST) the school would clearly benefit from the services of a SAIT. Seventy-nine percent of Hester's students scored below the proficient level on the CST for English/language arts, and 70% of the students performed below the proficient level on the CST mathematics test (see table below).

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2003 California Standards Tests			
	Percent of students at or above proficient	Percent of students at basic	Percent of students at below or far below basic
English/Language Arts	22%	35%	43%
Mathematics	30%	32%	38%

Hester does not meet the criteria in either of the options that CDE staff submitted for consideration as a waiver policy for higher-performing II/USP schools (see related March Board item) because it is in decile rank 5. The table below indicates which criteria for option 2 the school does and does not meet.

API Decile Rank	Current API Decile Rank of 5 (criteria requires a decile rank of 6 or higher)
Multi-year growth	In 2001-02, Hester's API growth target was 11 and it obtained a growth of 91 points. In 2002-03, it's API growth target was 6 and the school went down 5 points. Therefore, the total API growth requirement for both years was 17 points. Since Hester grew 91 points, its 2001-02 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; participation rate requirements; meeting API requirements; and for high schools, meeting graduation rate requirements.)

Authority for Waiver: Education Code (EC) Section 33050

Bargaining unit(s) consulted on date(s): November 26, 2003

Position of bargaining unit(s) (choose only one):

Neutral Support Oppose

Name of bargaining unit representative(s): Marlene Mattoon

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (specify)

Public hearing held on date(s): December 9, 2003

Local board approval date(s): December 9, 2003

Advisory committee(s) consulted: School Site Councils

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

Date(s) consulted: December 2, 2003

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Period of request: 3/11/04-6/30/04: modified from district request of 12/03 to 6/04. Start date was changed due to the direction given at the January State Board that the school continue with the SAIT process until such time a waiver was approved.

FISCAL ANALYSIS (AS APPROPRIATE)

If the waiver is approved, the school will not receive funds to implement the corrective actions recommended by the SAIT and the state will save \$57,450 each year for two-three years.

BACKGROUND INFORMATION

Documentation is attached to this summary.