



## CALIFORNIA STATE BOARD OF EDUCATION

ITEM #WC-2

### MARCH 2004 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Torrance Unified School District</b> to waive <i>Education Code</i> (EC) Section 52522(b) to increase from 5 percent to 7 percent the proportion of their adult education state block entitlement that may be used to implement approved adult education innovation and alternative instructional delivery programs.</p> <p>Waiver Number: 27-12-2003</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>
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#### RECOMMENDATION

Approval  Approval with conditions  Denial

Recommended for one additional year less one day, so that *Education Code* (EC) Section 33051(c) will NOT apply.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The first request for waiver *Education Code* (EC) Section 5255(b) to increase from 5 percent to 7 percent the proportion of a district's adult education state block entitlement that may be used to implement approved adult innovation and alternative instruction delivery programs was received and approved in June 2001.

In March 2002 the State Board of Education (SBE) took formal action and approved a waiver guideline policy for this type of waiver request that includes four provisions and a special consideration for waiver renewal requests.

To date, non-consecutive (1 day less than full year) waivers have been granted to Los Angeles Unified School District for 2000–2002, 2002–2003, and 2003–2004; Torrance Unified School District has been approved for non-consecutive year waivers for 2001–2002 and 2002–2003; Simi Valley Unified School District has been approved for a first time waiver for 2002–2004; and Inyo County Office of Education has been approved for a first time waiver for 2002–2003. The SBE is currently considering first-time waivers for Whittier Union High School and Alhambra School District.

#### SUMMARY OF KEY ISSUES

In 1993 the California Legislature passed *EC* Section 52522 permitting the

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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 California Department of Education (CDE) per EC 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, Citizenship, and Parent Education. Increased access to instruction for hard-to-serve adults is a basic tenet of adult education innovation and alternative instructional delivery programs. 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.

The SBE adopted waiver guidelines in March 2002 for local education agencies (LEAs) that apply for a waiver to increase the percentage of their state block entitlement expendable for innovation and alternative instructional delivery from 5 percent to an amount not greater than 7 percent.

Torrance USD has submitted all items requested in the SBE waiver guidelines and the review of documentation supports waiver approval.

The Department recommends approval for the 2003-2004 fiscal year on the basis of this information.

### **WAIVER GUIDELINES SUMMARY OF KEY ISSUES:**

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 has been submitted and is on file. Verification includes fully compliant 2002 Coordinated Compliance Review.

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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 has been submitted and is on file.

The average daily ratio of pupils to certificated employees is 28 students per teacher. The Innovation Program ratio is 16 students per teacher.

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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 A.D.A. loss in the regular adult education state apportionment program must be documented.

Approval       Denial

Torrance USD verification has been submitted and is on file.

Verification indicates stability within the prior three-year history for annual apportionment as well as yearly growth.

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4. A request for an increase from **5 percent to an amount not greater than 7 percent** of the amount of the adult block entitlement that may be used for innovation and alternative instructional delivery programs. 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 population with limited access has been submitted and is on file. Program history (1998–2004) reflects consistent service beyond permissive claim for compensation, including 7 percent approved waiver increase.

Approval       Denial

- Increased Program Capacity

Torrance USD verification has been submitted and is on file.

Documentation includes the Citizenship curriculum in response to community needs assessment increasing curriculum delivery and access to curriculum.

Approval       Denial

- Improved Student Assessment Documentation

Torrance USD verification has been submitted and is on file.

The Innovation Program is evaluated each year by an independent evaluator. A Testing Specialist position has been added, significantly improving data stream utilizing the Comprehensive Adult Student Assessment System (CASAS).

APPROVAL       DENIAL

### 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

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Innovation and Alternative Instructional Delivery Program that is equal to or better than that of students in the regular adult education state apportionment program.

Torrance USD verification has been submitted and is on file. CASAS testing data show equal or greater gains in student achievement (benchmarks) for students in the Adult Education Innovation and Alternative Instructional Delivery Program.

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Authority for Waiver: Education Code (EC) Section 33050

Bargaining unit(s) consulted on date(s): December 5, 2003

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

Neutral  Support  Oppose

Name of bargaining unit representative(s): Mr. William Franchini, Executive Director  
Torrance Teachers Association

Public hearing identified by (choose one or more):

posting in a newspaper  posting at each school  other (Board of Education  
Pre Agenda Site Council)

Public hearing held on date(s): December 1, 2003

Local board approval date(s): December 1, 2003

Advisory committee(s) consulted: December 5, 2003

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

Date(s) consulted: December 5, 2003

Period of request: FY 2003-2004 (July 1, 2003 – June 29, 2004)

### **FISCAL ANALYSIS (AS APPROPRIATE)**

Approval adjusts the percentage within the district's fixed adult education block entitlement. No additional funding would result from approval of this waiver request.

### **BACKGROUND INFORMATION**

Waiver request forms and supporting documents are available for inspection in the Waiver Office.