

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-2

<p>TITLE: Request by Los Angeles Unified School District to waive <i>Education Code</i> section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program).</p> <p>CDSIS: 39-3-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

The California Department of Education (CDE) recommendation will be provided in the supplemental mailing.

Approval

Denial

Summary of Previous State Board of Education Discussion and Action:

In June 2001 the Board approved a request by 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 additional requests to waive *Education Code* section 52522(b), Department staff developed, and in March 2002, the State Board of Education approved a waiver guideline policy for this program that includes four requirements and a special condition for waiver renewal requests.

In March 2002, the Board approved a waiver request by Torrance Unified School District to increase their adult education state block entitlement of 5 percent to 7 percent. The District submitted all items requested in the (then) proposed State Board waiver guidelines.

In June 2002 the Board approved a one more non-consecutive year waiver for the Los Angeles Unified School District since some areas of the newly-adopted Board waiver guideline policy were not fully acceptable. This current waiver is a one additional year less one day waiver.

In March 2003, the Board approved: (1) a one additional year less one day waiver for the Torrance Unified School District; and (2) a one year waiver for the Simi Valley Unified School

District to increase their adult education state block entitlement of 5 percent to 7 percent, as the District had submitted all items requested in the State Board waiver guidelines.

Summary of Key Issue(s):

In 1993 the California Legislature passed *Education Code* section 52522 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 California Department of Education 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.

The State Board of Education adopted waiver guidelines in March 2002 for local educational 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.

LAUSD has submitted all but one item requested in the State Board of Education waiver guidelines. Pending are the results of the third party documentation of student achievement required for renewal.

Therefore, the Department recommendation will be provided in the supplemental mailing.

WAIVER GUIDELINES SUMMARY OF KEY ISSUE(S):

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

On February 7, 2003, CDE's 2002-03 Coordinated Compliance Review of the District's adult education program did not identify any noncompliance items.

At this time, the District is awaiting written confirmation from CDE of its decision to remove the Coordinated Compliance Review (CCR) finding of noncompliance in the district's adult education program for 2000-01 and 2001-02. Last year, when the District filed a request for waiver renewal for 2002-03, this CCR noncompliance finding was pending resolution.

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

LAUSD verification submitted and on file. The established teacher to student ratio for Distance Learning is 1:25, the same target ratio as in other adult education programs.

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

LAUSD verification submitted and on file.

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

LAUSD's verification of an increase of ESL population has been submitted and is on file. ADA generated through the Innovation Program offerings has increased.

Approval Denial

- Increased Program Capacity

LAUSD's verification has been submitted and is on file. The Innovation Program provides relief from the classroom space shortage adult education is experiencing because of increased K-12 enrollment and the state-mandated class size reduction program in K-3.

Approval Denial

- Improved Student Assessment Documentation

As a condition for approving LAUSD's Innovation Program waiver last May, the State Board of Education requested that LAUSD compare the academic gains of adult students only enrolled in Innovation Program English as a Second Language (ESL) with those of students only enrolled in traditional ESL classroom instruction.

Currently, LAUSD is conducting a study to compare the academic achievement of Innovation Program only students with traditional ESL classroom instruction only students. The study involves 500 students at five division sites. This study was completed at the end of March 2003. LAUSD will submit the results of this study to CDE by April 18, 2003.

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 innovation and new technologies delivery program that is equal to or better than that of students in the regular adult education state apportionment program.

Pending

Bargaining unit(s) consulted on: February 27, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: John Perez, Ernest Kettenring

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: February 25, 2003

Local board approval date: February 25, 2003

Advisory committee(s) consulted: Los Angeles Unified School District Distance Learning
Advisory Council

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

Date consulted: October 10, 2002

Effective dates of request: July 2, 2003 to June 30, 2004

Fiscal Analysis (as appropriate):

Approval adjusts the percentage within the District's fixed 2002-2003 adult education block entitlement. No additional funding requested.

Background Information:

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