



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

General Waiver

SUBJECT Delano Union Elementary School District (DUESD) Academic Performance Index (API) Waiver. Specifically, the DUESD requests waiver of a portion of <i>Title 5, CCR</i> Section 1032(d)(1) & (6) to allow Valle Vista Elementary School to be given a valid API for the 2002 year despite “ adult testing irregularities ” (English-Language Arts for 38 students in two second grade classes). Waiver Number: 12-9-2003	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

Denial is recommended per *Education Code* Section 33051(a)(1); the educational needs of the pupils are not adequately addressed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The *Title 5* regulation that the DUESD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. This regulation allows a school with adult testing irregularities that have affected less than 5 percent of the pupils tested to receive a valid API for the current year, but not be eligible for participation in any of the API award programs for that year. In 2001 the SBE approved *Title 5, CCR* Section 1032(d) (1) and (6):

“In 2001 and subsequent years, a school’s API shall be considered invalid under any of the following circumstances:

- (1) The local educational agency notifies the California Department of Education (department) that there were adult testing irregularities at the school affecting 5% or more of the pupils tested.
- (6) If, at any time, information is made available to or obtained by the department that would lead a reasonable person to conclude that one or more of the preceding circumstances occurred.”

SUMMARY OF KEY ISSUES

The district reports that the teachers who administered the test followed the guidelines that permit approximately ten seconds between questions (referred to as “think time” by the district), but ran out of time to finish the test. Additionally, the district states that the teachers did not give more time than the guidelines permit, students had sufficient time but were unable to complete the test, and the test was stopped when the 38 students ran out of time. These 38 students did not answer the last questions in a multipart test. The district gave the following reasons for proposing restoration of a valid API to

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Valle Vista: (1) The adults followed the rules and did not interfere with or assist the students with the test as the term “adult testing irregularity” implies; and (2) Valle Vista, “historically the lowest scoring school in Kern County, has recently begun to make significant gains.”

The California Department of Education (CDE) invalidated Valle Vista’s 2002 API because 38 second-grade students failed to complete the *Stanford 9 Language (Dictated)* test based on the pertinent directions for administering the second grade Standardized Testing and Reporting (STAR) tests:

“Testing times are approximate because the actual times will vary slightly due to different reading speeds across test examiners. The actual time generally will be within two or three minutes of the time listed. Under no circumstances should the actual time exceed the approximate time listed by more than 10 minutes.”

“NOTE: For the *Stanford 9* dictated tests, the teacher is to read the question exactly as printed in this manual, pause approximately 10 seconds for students to mark their answers, and go on to the next question. The teacher is *not to* reread the question.”

CDE found that 38 students completed the first portions of the test, but did not attempt to answer questions on the last section of the test, indicating they did not have enough time to complete their tests because the actual time exceeded the approximate time by more than the allowable 10 minutes. Presumably, the teachers gave the 38 students extra “think time” between questions beyond the 10 seconds allowed in the directions.

The consequence of not granting this waiver is that the school will not have a 2003-2004 Growth API value (growth cannot be calculated because their 2003 Base API is invalid). However, it will have a 2004 Growth API. This Growth API can be used to make a determination for AYP and PI status; i.e., if the value of the 2004 Growth API is 560 or greater the school meets the criterion. Note that the other criterion of one point growth will not be possible to demonstrate but the school will not be penalized if they make the 560 value. With respect to their II/USP status the alternative criteria can be applied once again so a growth value is not necessary.

The Public Schools Accountability Act (PSAA) was based on the educational needs of students, particularly those of improving student achievement. The API and resultant award programs were designed to reward schools that exceeded their performance targets, i.e., growth in student achievement. Key to the success of the API is the notion that it is a valid means of measurement. In order to ensure that API scores are valid, proper administration of the tests, which currently provide the data that are used to generate the API score, is crucial. Improper administration of the tests causes the scores to be invalid, which can impugn the integrity of the entire system.

In this instance, there is no way to determine if the violation was inadvertent, but it involved more than 5 percent of the students tested. Incomplete test results were reported for approximately 10 percent of the students tested (38 of 384). Therefore, in accordance with the required test administration procedures and SBE-adopted regulations, the Department recommends denial of the waiver.

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Authority for Waiver: *Education Code (EC) Section 33050*

Bargaining unit(s) consulted on date(s): 8/21/03

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

Neutral

Support

Oppose

Name of bargaining unit/representative(s): Mark Kotch

Public hearing identified by (choose one or more):

posting in a newspaper

posting at each school

other (specify)

Public hearing held on date(s): 9/2/03

Local board approval date(s): 9/2/03

Advisory committee(s) consulted: School Site Council

Objections raised (choose one): None Objections are as follows:

Date(s) consulted: 8/27/03

Period of request: 7/1/02 to 6/30/03

FISCAL ANALYSIS (AS APPROPRIATE)

No state fiscal impact is expected as a result of approving this waiver.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.