



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

General Waiver

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| SUBJECT Merced City School District (MCSD) Academic Performance Index (API) Waiver. Specifically, the MCSD requests waiver of a portion of Title 5, CCR Section 1032(d)(1) & (6) to allow Alicia Reyes School to be given a valid API for the 2003 year despite “ adult testing irregularities ” (Grade 5 California Achievement Tests, 6 th Edition [CAT/6], spelling and mathematics for 31 students). Waiver Number: 27-3-2004 | <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 MCSD 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 percent 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.”

At the January 2004 SBE meeting the waiver request by Merced City School District for Alicia Reyes Elementary School, in Cohort I of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed November 14, 2002, (Invalid API) to waive sanctions in portions of E.C. 52055.5(h), in effect to keep the schools on "watch" for another year was approved by the State Board of Education (SBE). The waiver was approved because the school met the alternative growth criteria approved by the SBE for approving that they met the growth necessary to put the school on watch, even though the API was not “valid”. The school is now asking for a valid API.

SUMMARY OF KEY ISSUES

The district reports that one teacher in one classroom distributed preprinted answer documents to the wrong students on the mathematics and spelling portions of the CAT/6. The district bases its waiver request on guidelines (which predate current regulations) it incorrectly believes the department currently follows. According to statement 5 of the attachment to the district's waiver request, self-reported irregularities are considered to be inadvertent, and waivers are granted if it can be shown that the irregularities do not materially affect the API.

However, under the regulations, the API is considered invalid even though the district notifies the department if 5 percent or more of the students tested are affected. Even prior to adoption of the regulations in 2001, irregularities affecting 5 percent or more of the students tested and more than one item had been considered material. In this instance the irregularities involved 6.4 percent of the students tested (31 of 485). Reyes Elementary Schools' 2003 API was invalidated because a teacher had 31 fifth-grade students erase answers to the CAT/6 mathematics and spelling tests, which resulted in a violation affecting more than 5 percent of the students tested.

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.

Therefore, in accordance with the required test administration procedures and SBE-adopted regulations, the Department recommends denial of the waiver.

Authority for Waiver: Education Code (EC) Section 33050

Bargaining unit(s) consulted on date(s): 2/24/04

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

Neutral

Support

Oppose

Name of bargaining unit/representative(s): Bobi Jo Davis (CSEA); Wendy York (MCTA)

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Public hearing identified by (choose one or more):

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

Public hearing held on date(s): 3/2/04

Local board approval date(s): 3/2/04

Advisory committee(s) consulted: School Site Council

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

Date(s) consulted: 2/27/04

Period of request: 2003 – 2004 testing year

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.