



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**General Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Los Angeles Unified School District</b> to waive <i>Education Code (EC) Section 52522(b)</i> 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: 14-3-2004</p>	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

**Approval**  **Approval with conditions**  **Denial**

Recommended conditions: Approval be limited to one day less than one year, so that *EC Section 33051(c)* will NOT apply. If renewal of the waiver is sought, the district provide an evaluation with California Department of Education (CDE) staff pre-approval consistent with the specifications set forth in the "Conditions of Renewal" section below.

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

The first request for waiver of *EC Section 52552(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) approved waiver guidelines 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 2000–02, 2002–03, and 2003–04.

### SUMMARY OF KEY ISSUES

In 1993 the California Legislature passed *EC 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 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.

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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.

As noted above, 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.

LAUSD has submitted all items requested in the SBE waiver guidelines and the review of documentation supports waiver approval. The CDE recommends approval for one day less than the whole of 2004–05 fiscal year on the basis of this information, and recommends that the district 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, consistent with the waiver guidelines.

### **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

On February 6, 2004, the CDE's 2003–04 Coordinated Compliance Review of the district's adult education program found the program in full compliance.

LAUSD verification has been submitted and is on file.

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

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

LAUSD verification has been submitted and is on file.

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

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4. ADA loss in the regular adult education state apportionment program must be documented.

Approval       Denial

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

LAUSD verification has been submitted and is on file.

5. 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 to include a description of the program and a rationale for change. Information and documentation in all of the following three areas is required for consideration of the waivers:

- Increase In Number of Students with Limited Access to Traditional Education Options

LAUSD verification of increase of population with limited access has been submitted and is on file.

Approval       Denial

- Increase In Program Capacity

LAUSD verification has been submitted and is on file.

Approval       Denial

- Improved Student Assessment Documentation

LAUSD verification has been submitted and is on file.

Approval       Denial

### CONDITIONS OF RENEWAL

As specified in the conditions of the prior waiver, and as required for the SBE to grant a renewal of this waiver, the district must 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. This evaluation must meet the following conditions: (1) assessments must include results from Comprehensive Adult Student Assessment System (CASAS) assessment instruments, and the administration of these instruments must follow procedures specified in the *CASAS 2002-03 Administration Manual for California*; (2) students must take a pretest commensurate with their level of educational function and an appropriate posttest to measure their learning gains; (3) the students in the distance learning modality must complete modules that are representative of the time of instruction provided to them in a classroom delivery system; and (4) prior to implementing the evaluation study, the district must obtain approval of the research design by CDE.

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LAUSD has complied with all conditions and has submitted results indicating an average of 25.3% higher learner gain for distance learners than for students in the regular adult education state apportionment program.

LAUSD verification has been submitted and is on file.

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

**Bargaining unit(s) consulted on date(s):** February 25, 2004

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

Neutral  Support  Oppose

**Name of bargaining unit/representative(s):** 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 date(s):** February 24, 2004

**Local board approval date(s):** February 24, 2004

**Advisory committee(s) consulted:** LAUSD District Learning Advisory Council

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

**Date(s) consulted:** October 8, 2004

**Period of request:** July 2, 2004 to June 30, 2005

**FISCAL ANALYSIS (AS APPROPRIATE)**

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

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.