


OAKLAND UNIFIED SCHOOL DISTRICT
Office of the State Administrator

LEGISLATIVE FILE

July 8, 2008

File ID No. 08-1596
Introduction Date 07/08/2008
Enactment No. 03-1143
Enactment Date 07/08/08
By [Signature]

To: Vincent Matthews, State Administrator
Board of Education

From:  Roberta Mayor, Superintendent
Kirsten Vital, Chief of Community Accountability
David Montes de Oca, Coordinator, Office of Charter Schools

Re: Public Hearing and Adoption of Resolution No. 0708-0231 - Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at Achieve Academy for Fiscal Year 2006-2007

ACTION REQUESTED:

Conduct Public Hearing and Adoption of Resolution No. 0708-0231 - Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at Achieve Academy for Fiscal Year 2006-2007.

BACKGROUND:

California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) provide for unrestricted funds to reimburse school districts for costs associated with the STAR and CELDT test administration. In Fiscal Year 2006-2007, Education for Change ("EFC"), which operates Achieve Academy, a charter school authorized by the Oakland Unified School District ("The District") missed the deadline for the Apportionment Information Reporting for its STAR and CELDT tests because of staffing challenges. EFC, having missed this deadline, will not receive the funds associated with these assessments. EFC, pursuant to CCR Title 5 sections 862(c)(2)(B) and 11517.5(b)(1)(B), which allows local educational agencies to apply for waivers of the deadline through Education Code 33050 et seq., is seeking a waiver pursuant to the above cited sections in order to receive reimbursement for its administration of STAR and CELDT at Achieve Academy.

The District, as authorizer of Achieve Academy, pursuant to Education Code Section 33050, must submit this waiver request on behalf of the school. Staff recommends that the State Administrator, pursuant to CCR Title 5 sections 862(c)(2)(B) and 11517.5(b)(1)(B), and as documented herein, submit a Request for a General Waiver, which if granted, will allow Achieve Academy to receive Assessment Apportionment Funds for CELDT and STAR administration.

FISCAL IMPACT

The adoption of the Request by the District and granting of the Waiver by the State Board of Education will allow Achieve Academy to receive Assessment Apportionment Funds for STAR and CELDT testing, and will not have a negative fiscal impact on the District.

RECOMMENDATION:

Conduct Public Hearing and Adoption of Resolution No. 0708-0231 - Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at Achieve Academy for Fiscal Year 2006-2007.

Attachments: Resolution No. 0708-0231
California Department of Education General Waiver Request Form AIRW
Supporting Documentation from Education for Change



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the State Administrator

1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT

Resolution No. 0708-0231

Request to the California State Board of Education for a General Waiver of California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) Pertaining to Assessment Apportionment Funds for STAR and CELDT Testing Regarding Pupils at Achieve Academy for Fiscal Year 2006-2007

WHEREAS, Education for Change ("EFC") operates Achieve Academy, a charter school authorized by the Oakland Unified School District ("The District"); and

WHEREAS, California Code of Regulations (CCR), Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) provide for unrestricted funds to reimburse school districts for costs associated with the STAR and CELDT tests; and

WHEREAS, Education for Change, in Fiscal Year 2006-2007, missed the deadline for the Apportionment Information Reporting for its STAR and CELDT tests because of staffing challenges; and

WHEREAS, Education for Change, having missed this deadline, will not receive the funds associated with these assessments; and

WHEREAS, CCR Title 5 sections 862(c)(2)(B) and 11517.5(b)(1)(B) allow local educational agencies to apply for waivers of the deadline through Education Code 33050 et seq.; and

WHEREAS, Education for Change is seeking a waiver pursuant to the above cited sections in order to receive reimbursement for its administration of STAR and CELDT; and

WHEREAS, Education Code sections 33050-33053 provide for the charter school authorizing entity to request that the California State Board of Education waive sections of the Education Code or implementing regulations on behalf of a charter school; and

WHEREAS, the request by the District for and granting of the Waiver by the State Board of Education will allow Achieve Academy to collect apportionment, which it would otherwise be denied; and

WHEREAS, the request by the District and granting of the Waiver by the State Board of Education will not have a negative fiscal impact on, or otherwise harm, the District; and

WHEREAS, at its July 8, 2008 meeting, the State Administrator held a public hearing on the General Waiver Request,

NOW, THEREFORE, BE IT RESOLVED, the State Administrator of the District hereby approves the District's Request for General Waiver of CCR, Title 5 sections 862(c)(2)(A) and 11517.5(b)(1)(A) on behalf of Achieve Academy, incorporated herein by reference as though fully set forth, to the California State Board of Education and authorizes the submission of same with requisite supporting documentation.

I hereby certify that the foregoing is a true, accurate, and complete copy of a Resolution I adopted at a Special Meeting of the State Administrator and/or the Board of Education of the Oakland Unified School District on this 8th day of July, 2008, in Oakland, CA.



Vincent Matthews
State Administrator
Oakland Unified School District

LEGISLATIVE FILE

File ID No. 08-1596
Introduction Date 07/08/08
Bill Number 08-1143
Effective Date 07/08/08
BY [Signature]

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

AIRW (3/19/07) <http://www.cde.ca.gov/re/lr/wr/>
 Page 1 of 1

**STATE TESTING
 APPORTIONMENT INFORMATION
 REPORT WAIVER**

Send original plus one copy to:
 Waiver Office, California Department of Education
 1430 N Street, Suite 5602
 Sacramento, CA 95814

Faxes will not be accepted!

CD CODE						
0	1	1	1	4	7	6

Local educational agency: Achieve Academy		Contact name and recipient of approval/denial notice: Kevin Wooldridge	Contact person's e-mail address: kwooldridge@efcps.org
Address: (City)		(ZIP)	Phone (and extension, if necessary): 520-568-7936
303 Hegenberger Road Suite 301 Oakland CA		94621	Fax number: -
Period of request: From 7/1/06 to 6/30/07	Local board approval date: (Required) 3/11/08	Date of public hearing: (Required) 7/8/2008	

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code 33050-33053*, the *California Code of Regulations (CCR)* section(s) to be waived (check one):

STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31...

CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31...

CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...

2. Collective bargaining unit information. Does the district have any employee bargaining units? No Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.


Bargaining unit(s) consulted on date(s):
 Name of bargaining unit and representative(s) consulted:
 The position(s) of the bargaining unit(s): Neutral Support Oppose (Please specify why)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
 Notice in a newspaper Notice posted at each school Other: (Please specify)

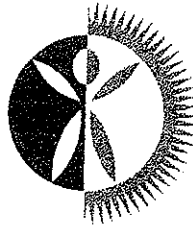
4. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.)
 Several staff members were out on maternity leave and as a result, the submission deadline was not met. We are seeking a waiver in order to receive reimbursement for administration of STAR and CELDT.

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: 	Title: STATE ADMINISTRATOR	Date: 7/08/08
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:



Education *for* Change

March 4, 2008

Dear Mr. Matthews,

Enclosed you will find a request to obtain a waiver for missing the deadline of December 31, 2007 to submit the attached apportionment information reports and certifications.

As our charter authorizer the process requires that OUSD applies for the waiver on our behalf.

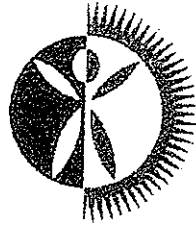
We have two home office staff members that are out on maternity leave because of the recent births of their children. Unfortunately the request for these apportionment certifications fell through the cracks as we have all taken on additional duties during this time.

We regret any inconvenience that this might cause for you or your staff.

Please let me know if you have any additional questions. You may reach me at 510-904-6340 or via email at kwooldridge@efcps.org.

Sincerely,

Kevin Wooldridge



Education for Change

Attachment 1
Name of Charter Schools and CDS #s

Cox Academy

01 61259 6001788
State Charter # 740

World Academy

01 61259 0109983
State Charter # 745

✓ **Achieve Academy**

01 61259 0111476
State Charter # 780

California Department of Education (CDE)
Standards and Assessment Division
Report Date: October 31, 2007

**Standardized Testing and Reporting (STAR) Program
Apportionment Information Report
Spring 2007**

Return to: Mei Tan, Staff Services Analyst
Standards and Assessment Division
1430 N Street, Suite 5408
Sacramento, CA 95814

This report was compiled from STAR multiple-choice answer documents submitted for scoring for the California Standards Tests (CSTs), California Achievement Test, Sixth Edition Survey (CAT/6), California Alternate Performance Assessment (CAPA), Standards-based Test in Spanish (STS), and Aprenda 3. Sign, date, and return this report to the CDE by **December 31, 2007**. Certified reports received after December 31, 2007 cannot be paid without a waiver request approved by the State Board of Education. Payment of late apportionment reports is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.

District, County Office, or Charter School Name:
ACHIEVE ACADEMY

CDS Code: 01-61259-0111476 Charter #: 0780		Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Total	Rate	Funding
A	Number of pupils enrolled on first day of multiple-choice CST-CAT/6 or CAPA testing	0	0	116	110	0	0	0	0	0	0	226		
B	Number of pupils enrolled after first day of testing and tested at the school's option	0	0	0	0	0	0	0	0	0	0	0		
C	Total Enrollment	0	0	116	110	0	0	0	0	0	0	226		
D	Number of pupils administered any portion of the CST-CAT/6	0	0	116	110	0	0	0	0	0	0	226	\$2.52	\$569.52
E	Number of pupils with significant cognitive disabilities assessed with the CAPA	0	0	0	0	0	0	0	0	0	0	0	\$5.00	\$0.00
F	Number of pupils exempted from testing by written parent/guardian request*	0	0	0	0	0	0	0	0	0	0	0	\$0.38	\$0.00
G	Number of pupils with demographic information only who were not tested for any reason other than parent/guardian exemption*	0	0	0	0	0	0	0	0	0	0	0	\$0.38	\$0.00
H	Total CST-CAT/6 or CAPA Answer Documents	0	0	116	110	0	0	0	0	0	0	226		\$569.52
		STS: Grades 2-4 (\$2.52)				Aprenda 3: Grades 5-11 (\$2.44)								
I	Spanish-speaking EL students receiving instruction in Spanish or enrolled less than 12 months in a school in the U.S. (mandated)	Tested	0	0	0	4	0	0	0	0	0	4	\$2.52/\$2.44	\$9.76
		Not-tested (demographic information only)	0	0	1	Not applicable for Aprenda 3						1	\$0.38	\$0.38
J	Spanish-speaking EL students tested at the option of the district/charter school (optional)	0	0	2	0	0	0	0	0	0	0	2	\$2.52/\$2.44	\$5.04
K	Total STS or Aprenda 3 Answer Documents	0	0	3	4	0	0	0	0	0	0	7		\$15.18
L	Number of demographic alerts (withheld for each student for whom the contractor had to request missing data during the scoring process)**											0	(\$1.32)	\$0.00
												TOTAL STAR 2007 APPORTIONMENT [Row H + Row K + (-Row L)]:		\$584.70

*CST-CAT/6 or CAPA answer document
**CST-CAT/6, STS, or CAPA answer document

Certification: I certify the accuracy of the apportionment information required per California Code of Regulations, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75, Section 862 as reflected on this report (Rows A, D, E, F, G, I, and J).

District Superintendent, County Superintendent, or Charter School Administrator Name	Superintendent's or Charter School Administrator's Signature	Date	District STAR Coordinator Name
<i>Fevon Woodley</i>	<i>[Signature]</i>	12/30/07	ENA A. HARRIS Phone: (510) 904-6342

Return Form To:

Attn: Kerri Wong
Standards and Assessment Division
1430 N Street, Suite #5408
Sacramento, CA 95814

**Apportionment Information Report and Certification
California English Language Development Test (CELDT)
2006-2007 Report**

California Department of Education
Standards and Assessment Division

**MUST BE POSTMARKED BY
DECEMBER 31, 2007**

County Name	Alameda	District Name	Achieve Academy
County Code	01	District Code	61259
Charter Num	0780		

Title 5, Section 11517.5 of the California Code of Regulations specifies that each school district shall receive an Apportionment Information Report that shall include the number of pupils assessed with the CELDT as indicated by the number of answer documents submitted to and scored by the test contractor for each administration (July 1 through June 30). The superintendent of each school district must certify the accuracy of the apportionment information and the report must be postmarked by December 31. If postmarked after December 31, the apportionment information report must be accompanied by the State Testing Apportionment Information Report Waiver request as provided by Education Code Section 33050. The amount of funding to be apportioned to the school district for the tests shall be calculated by multiplying the amount per administration established by the State Board of Education (SBE) to enable school districts to meet the requirement of Education Code Section 60851 by the number of pupils in the school district tested with the CELDT during the previous fiscal year. Apportionments will not be processed until all information and certifications are provided. Return the form by U.S. mail to the address above. Do not FAX copies. Keep a copy for your records.

	Annual Assessment Pupils tested July 1 thru October 31, 2006	Initial Assessment Pupils tested within 30 days of enrollment	Total
Number of Pupils Tested July 1, 2006 – June 30, 2007	142	32	174

Certification: I certify that the information provided on this form is accurate and that the district will maintain all related records to be available for audit purposes.

District Superintendent, County Superintendent, or Charter School Director

District CELDT Coordinator

<i>Kerri Wong</i>		<i>ENA A. HARRIS</i>	
Superintendent's (or Charter School Director's) Signature	Date	District CELDT Coordinator's Signature	Date
<i>[Signature]</i>	12/30/07	<i>Ena A Harris</i>	12/5/07
Superintendent's (or Charter School Director's) E-mail	Phone	District CELDT Coordinator's E-mail	Phone
<i>kwwaldridge@efcps.org</i>	904-63470	<i>eharris@efcps.org</i>	(510) 904-6342

2006-2007 CELDT Apportionment

<i>County</i>	<i>District</i>	<i>School</i>	<i>School Code</i>	<i>Total Tested</i>	<i>Amount</i>
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Alameda

Achieve Academy

		Achieve Academy	0111476	174	\$870
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CALIFORNIA
DEPARTMENT OF
EDUCATION

1430 N STREET
SACRAMENTO, CA
95814-5901

October 22, 2007

JACK O'CONNELL
State Superintendent of
Public Instruction
PHONE: (916) 319-0800



Ena celab coord.

Dear County and District Superintendents and Charter School Directors:

**APPORTIONMENT INFORMATION REPORT
CALIFORNIA ENGLISH LANGUAGE DEVELOPMENT TEST (CELDT)
2006-07 TESTING**

Attached is the 2006-07 CELDT Apportionment Information Report for your district. This report includes the number of annual and initial assessments scored for the 2006-07 test window. The California Department of Education (CDE) compiled the report from the information taken directly from CTB/McGraw-Hill. Do not contact CTB/McGraw-Hill with questions about the report or the data on it.

Certification of Apportionment Information Report: The superintendent or charter school director and the CELDT District Coordinator are required to certify that the district has returned all secure test materials, certify the accuracy of the report, sign and date the report, and return it postmarked by **December 31, 2007** to:

Kerri Wong
Standards and Assessment Division
1430 N Street, Suite #5408
Sacramento, CA 95814

Please allow eight to ten weeks after December 31st for districts to receive warrants. Payments will be processed through the State Controller's Office to county treasurers. All certified apportionment information reports must be postmarked by **December 31, 2007** to qualify for the eight to ten week-turnaround. **If postmarked after December 31, the apportionment information report must be accompanied by the State Testing Apportionment Information Report Waiver request as provided by Education Code Section 33050.** The waiver request is available at <http://www.cde.ca.gov/re/lr/wr/documents/december31.doc>. Information regarding the waiver form is available at <http://www.cde.ca.gov/re/lr/wr/othertopics.asp>. Questions regarding the State Testing Apportionment Information Report waiver should be directed to CDE Waivers Office at (916) 319-0824.

Apportionment Amounts: The CELDT 2006-07 apportionment is \$5.00 for each pupil tested in Kindergarten through grade 12. The CELDT apportionment funds are unrestricted funds to reimburse districts for costs associated with the CELDT that are above and beyond the CDE statewide contract with test contractors. The CDE contract with the test contractors covers the costs of all required CELDT testing materials, scoring, and report production.

Charter Schools: Charter schools that tested independent of their district will receive individual apportionment information reports to certify and return to CDE. District apportionment totals will include apportionment funding for dependent charters. The payment schedule provided to districts will include a listing of the amount dependent charters are each to be apportioned.

Apportionment Information Report CELDT 2006-07 Testing

October 22, 2007

Page 2

Corrections to Apportionment Information Report: Requests to CDE to change data as reported on the apportionment information report must be accompanied by documentation that the district notified CDE of data disputes in writing after receipt of test result summary reports and data files [per *California Code of Regulations*, Title 5, Section 857(b)(11)] along with copies of the Summary Proficiency Level Reports.

Offset of State Mandated Costs: CELDT apportionment funds provided to districts shall first be used to offset any state-mandated reimbursable costs that otherwise may be claimed through the state mandates reimbursement process for the CELDT. Local education agencies accepting apportionment funds shall reduce their estimated and actual mandate reimbursement claims by the amount of funding provided to them from apportionment funds.

If there are questions regarding the attached Apportionment Information Report, contact Kerri Wong at (916) 319-0333 or by e-mail at kewong@cde.ca.gov. If there are general questions regarding the CELDT Program, telephone (916) 319-0784 or e-mail celdt@cde.ca.gov.

Sincerely,



Bob Sigman, Director
Standards and Assessment Division

DS:kw
Enclosure

cc: CELDT District Coordinators



CALIFORNIA
DEPARTMENT OF
EDUCATION

1430 N STREET
SACRAMENTO, CA
95814-5901



October 31, 2007

JACK O'CONNELL

State Superintendent of
Public Instruction

PHONE: (916) 319-0800

*Eric has
the original*

Dear County and District Superintendents and Charter School Administrators:

**CERTIFICATION OF APPORTIONMENT INFORMATION REPORT
STANDARDIZED TESTING AND REPORTING PROGRAM
SPRING 2007 TESTING**

Enclosed is the 2007 Standardized Testing and Reporting (STAR) Program Apportionment Information Report for your district or charter school. This report includes the number tested by grade level for the California Standards Tests (CSTs) and California Achievement Tests, Sixth Edition Survey (CAT/6 Survey), California Alternate Performance Assessment (CAPA), Standards-based Tests in Spanish (STS), and Aprenda, La prueba de logros en español, Tercera edición (Aprenda 3). The California Department of Education (CDE) compiled the report from the information taken directly from students' multiple-choice answer documents. The STAR district and test site coordinators are responsible for inventory control and returning all test materials at the completion of testing to the contractor within the required time period (*California Code of Regulations*, Title 5, Education, Division 1, Chapter 2, Subchapter 3.75). **Do not** contact Educational Testing Service (ETS) or Harcourt Assessment, Inc. (Harcourt) with questions about the report or the data on it. The data on the Apportionment Information Report should agree with the student data files and summary reports that districts or charter schools received from ETS and Harcourt. Please note that STS and Aprenda 3 apportionment totals only reflect those students who were identified by demographic data as being English learners (ELs). Per state law, the STS and Aprenda 3 is to be administered only to Spanish-speaking ELs.

Certification of Apportionment Information Report: The superintendent or charter school administrator is required to certify the accuracy of the report, sign and date the report, and return it to:

Mei Tan, Staff Services Analyst
Standards and Assessment Division
1430 N Street, Suite 5408
Sacramento, CA 95814

Certified reports must be received postmarked by **December 31, 2007**. Certified reports will be processed for payment upon receipt. Payments will be processed through the State Controller's Office to county treasurers. If a district or charter school does not return a certified report to the CDE by the December 31, 2007, deadline, the district may apply for a waiver of the deadline to be approved by the State Board of Education (SBE) as provided by California *Education Code* Section 33050. **The CDE cannot release payment of the apportionment funding for late reports without a waiver approved by the SBE.** The specific waiver request form and instructions for state testing apportionments are available on the CDE Web site at <http://www.cde.ca.gov/re/lr/wr/othertopics.asp>. Payment of late apportionment reports is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the tests were administered.

Charter Schools: Charter schools that tested independently of their district will receive individual apportionment information reports to certify and return to the CDE. Charter schools that had direct-funded status in 2006-07 will receive their STAR apportionment payment separately from the district. District apportionment totals will include apportionment funding for 2006-07 locally funded charters. The payment schedule provided to districts will include a listing of the amount locally funded charters are each to be apportioned.