

Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

MEMORANDUM

Date: September 10, 2014
To: CABE Board Members
From: Martha Zaragoza Diaz, Lobbyist
Subject: Legislative Report
CC: Jan Gustafson Corea

I. Legislation

The California Legislature officially adjourned on August 31, 2014 and “final recess” begins. A flurry of last minute activity always occurs in the last week of the legislative session in which bills are “gutted and amended” for purposes different than specified when introduced. The last day for the Governor to sign or veto bills passed by the Legislature is September 30, 2014.

Below is one bill on the Governor’s desk. A complete report as to the outcome of all the bills we are following will be provided to the board the first week in October 2014.

a. SB 1174 (Lara) English Language Education, Amended August 26, 2014

This bill passed the legislature and is on the Governor’s desk. If signed the bill will put the repeal of Proposition 227 on the 2016 General Election ballot.

The bill:

- provides explicit mandates for the development of programs for English Learners
- will repeal the English Only presumptive placement for English Learners
- requires the development of English Learner programs through the LCAP process
- encourages dual language acquisition programs and other bilingual programs and provides a trigger for establishing such programs, which replaces the trigger for getting out of English Only.

While the bill received few if any votes from Republican members of the Legislature, the bill is supported by an array of organizations, including the Los Angeles Chamber of Commerce, Early Edge California and First 5 LA.

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SB 1174 (Lara) was written with input from a broad base of stakeholders including school districts, County Offices of Education, ACSA, CSBA, CTA, UTLA and of course with input from CAFE and Californians Together.

As was already stated, If signed, the bill will be placed on the 2016 General Elections ballot for voter approval. A very well organized campaign will need to be developed between now and then to ensure its passage. So our work has just begun.

The next immediate step is to send letters to the Governor requesting his signature on SB 1174 (Lara). Each board and chapter member should send letters to the Governor. You will be forwarded a Sample Letter shortly. Additionally, it is recommended that we begin to plan how to inform attendees of CAFE's annual conference about SB 1174 (Lara)

b. Sponsored Bill: AB 2303 (Bloom) State Recognition Program: Multiple Pathways to Multiliteracy, Amended July 2, 2014

AB 2303 (Bloom) proposed to establish a state recognition program of Multiple Pathways to Biliteracy. The program was to be administered annually by the State Department of Education beginning January 1, 2016, for the purposes of recognizing school districts and county offices of education that voluntarily demonstrate excellence in providing and supporting multiple opportunities for pupils to attain high achievement and linguistic biliteracy in grades 1 to 12, inclusive, through biliteracy programs. The program would have been implemented only to the extent moneys were made available to the CDE for purposes of the program from any source.

Additionally, the bill contained language addressing the current problem of what criteria to use for the issuance of the State Seal of Biliteracy in the absence of test scores. In order to qualify for a State Seal of Biliteracy, the bill was proposing for the 2014–15 school year, that a student pass the most recently available state-adopted, standards-aligned English language arts test for that graduate at the proficient level or above.

Unfortunately, the bill did not get off the Senate Appropriations Committee. We will need to reintroduce a similar bill next year. In the meantime, CDE will soon be forwarding to school administrators a CDE "Memorandum" on the issue of what criteria to use in the absence of test scores, in order to qualify for a state seal of Biliteracy.

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II. Legislative Leadership

On Monday, June 16, 2014, the California Senate voted to make official what has been expected since January – Senate Kevin De Leon was elected President Pro Tempore of the Senate effective Oct. 15, 2014. He will replace the current leader of the Senate, Senator Darrell Steinberg. Senator De Leon represents Senate District 22: Downtown Los Angeles (LA), East Hollywood, Echo Park, South LA – Cities of Alhambra, South Pasadena, Vernon, and Maywood. He has been a member of the Legislature since 2006 when he was elected to the State Assembly; he was elected to the State Senate in 2010.

Senator De Leon has been a strong advocate for immigrant rights and has an interest in both K-12 and Higher Education. ACSA looks forward to working with the Senate's new leader.

The Assembly elected Assembly Member Toni Atkins as Speaker of the Assembly in March 2014. The Speaker represents Assembly District 78: Coronado, Del Mar, Imperial Beach, La Jolla, San Diego and Solano Beach. She is the first Assembly member from San Diego to ascend to the speakership and the first lesbian to serve as California's speaker. She replaces the first openly gay Assembly speaker, Democrat John A. Pérez of Los Angeles. Speaker Atkins has been a vocal supporter of abortion rights and also has offered legislation on low-income housing. She will be termed out of office in 2016.

III. State Board of Education (SBE)

The SBE met on September 3rd and 4th to take action on several important items affecting public education. Below are two items that were presented before SBE for discussion and action. A live webcast of this meeting is available on SBE's website for those of you who are interested in knowing more about the items and meeting: <http://www.cde.ca.gov/be/ag/ag/main201409.asp>

a. LCFF Regulations

The proposed LCFF regulations and template have gone through several reiterations since January 2014. The proposed regulations govern the expenditure of LCFF supplemental and concentration grant funds and also include the LCAP template as required by law to be used by LEAs to support the local adoption and annual review of the LCAP.

At its July 2014 meeting, the SBE adopted proposed changes to the permanent regulations for both the expenditure regulations and the LCAP template. The changes include:

- the addition of a "definitions" section to provide clarity for certain terms used in the LCAP template. (Section 15495)
- Additional descriptions from a school districts, charter school, or county office of education when supplemental and concentration grant funds are

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to be used on a district wide, charter wide, or school wide basis. (Section 15497)

- The addition of a new section to provide further clarity around county superintendents' oversight responsibilities regarding the LCAP's adherence to the expenditure regulations. [Section 52070(d)(3)]
- A redesign of the LCAP template in response to public comment and including a new Section 2 goals, Actions, Expenditures and Progress Indicators Table, an Annual Update Table and division of Guiding Questions into two sections; one to guide goal development and one to guide review of goals in the Annual Update Table.
- Clarification of the definition of "consult with pupils" to clarify that such consultation means a process to enable pupils, including unduplicated pupils, and other numerically significant pupil subgroups, to review and comment on the development of the LCAP. [Section 15495(a)]
- Inclusion of a definition of "parent". (Section 15495)
- Redesigning of the Section 2 Goal Table of the LCAP and Annual Update Template to further clarify identification of goals, actions and expected measurable outcomes for all pupils, and for pupil subgroups. Additionally, the redesign more clearly identifies the state priority or priorities to which a goal and related actions and services are connected.
- Instructions to the LCAP template are revised to clarify the tables and assist LEAs in completion of the new template.

Per CDE and SBE staff, the proposed revisions to the regulations and the template will "enhance ease of reading and understanding for parents and stakeholders, and create greater transparency between LEAs, schools, advisory groups, parents or guardians, stakeholders and the community".

As an organization, CAFE continues to participate in a broad coalition of advocacy organizations (such as Ed Trust West, Public Advocates, ACLU) in providing input to SBE on the proposed regulations and template. However because oftentimes this input is not EL specific, CAFE joined with CRLA and Californians Together in submitting additional recommendations that are EL specific.

Specific recommendations as to desired changes to the regulations and the LCAP template specific to EL students was submitted to CDE on July 28, 2014. Our recommendations included:

- LEA's require clear direction and instruction as to the use of supplemental and concentration grant funds for school wide, district wide, and county wide programs in order to prevent the diversion of concentration and supplemental funds to district wide programs with no clear articulation on how these services increase or improve services to unduplicated pupils.

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- School wide, district wide and county wide programs should not be allowed in districts or county offices of education (COE's) with less than a 55% threshold or school sites with less than a 40% threshold.
- Template Section "Stakeholder Engagement" should include districts listing the recommendations offered by parent advisory committees, specifically the DELAC committees, in the LCAP and which were rejected.
- Inclusion of language that the school superintendent respond in writing to the DELAC members as to their LCAP recommendations, as required by law.
- Require districts to demonstrate that the allocation of concentration and supplemental grant funds are not used to provide base services to unduplicated pupils.
- Inclusion of and further clarification regarding the meaningful oversight of districts and schools by COE's.

Several of our recommendations were accepted or partially accepted such as clarifying the definition of "English learner parent advisory committee" [Section 15495 (b) and (f)] , retain the words "principally" and "and are effective in" in Sections 15496 (b)(1)(B), (b)(3)(B) and (b)(4)(B). However our significant recommendations (such as those pertaining to thresholds, the supplanting of funds were rejected.

The SBE approved the proposed changes to the regulations and LCAP template presented by staff and voted to open the 15 day comment period on these changes. Public comments on the revised regulations and LCAP template are due Monday, September 22, 2014 by 5:00 p.m. CRLA staff are working on comments to be submitted jointly with CAFE and Californians Together. These comments are expected to be ready for review on September 12, 2014.

b. Smarter Balanced Assessment Consortium Management Services Contract

The SBE approved the signing of an MOU for the SB Consortium Managed Services Contract and to select the UCLA National Center for Research and Evaluation Standards and Student Testing (CRESST) to assume the fiscal, administrative and operational responsibilities for providing services to the SB consortium states. The SB Consortium's governing board will continue to operate pursuant to the 2011 MOU to direct and oversee UCLA/CRESST, including approval of budgets, staffing plans, and project schedules. UCLA/CRESST will be reimbursed by state members for the proportionate share of actual expenses, so that UCLA/CRESST operates on a revenue neutral basis. In order to continue

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Participating in the SB Consortium post-grant, all member states, including California, must sign the MOU with UCLA/CRESST. The UCLA/CRESST MOU is for the period of July 1, 2014 through June 30, 2017 (three years).

The Executive Director of the SB Consortium, Joe Willhoft, gave a quick presentation on the SB Consortium. The following points were made:

- There are 23 member states and territories in the Consortium; 20 Governing States, 2 Advisory States and 1 Affiliate Member.
- If approved by the SBE, 9 members will have signed the MOU with UCLA; California, Oregon, Washington, Idaho, Montana, South Dakota, Missouri, Hawaii and the U.S. Virgin Islands.
- SB activities now funded by states, not by USED
- Fiscal responsibility shifts from state of WA to UCLA
- Each state starts using SB as its ESEA assessment
- SB provides support for ESEA requirements
- All member states pay the same per-student fee. For large states, the GR: 3-8 and 11 fee is capped at 1 million students, meaning CA will receive services for all students, but only pay for the first million
- Paper/pencil forms will be available for 3 years
- SB will design test booklets for use in all states and will equate the P/P and online forms
- States (through their contractors) are obligated to pay for printing, distribution and scanning of P/P forms

IV. Other Activities

a. LCFF Evaluation Rubric

The LCFF statute requires that on or before October 1, 2015, the SBE adopt evaluation rubrics. These rubrics are to assist a school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement, provide technical assistance when needed and to assist the Superintendent in school district intervention when it is warranted.

Additionally, the evaluation rubrics shall reflect a holistic, multidimensional assessment of school districts and individual school site performance and school include all of the state priorities required by law. The SBE is to adopt standards for school district and individual school site performance and expectation for improvement in regard to each of the state priorities.

The rubrics are to be an integral part of the LCFF performance and accountability system. Once developed, the rubrics will serve as tools to ensure LEAs are able to align resources to implement strategies that result in student outcomes. They

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are also to direct attention to areas in need of additional support to meet the adopted standards for district and school performance relative to the state and local priorities.

The SBE has contracted with WestEd to coordinate and facilitate a process for developing rubrics that take into account stakeholder input, relevant application to the diverse range of LEAs that will be using the rubrics and “fidelity” to the LCFF design principles as identified in the LCFF statute.

WestEd has scheduled regional meetings in LA on September 15, in Fresno on September 16, in Sacramento on September 17 and in the Bay Area on September 22. All September meetings are tentatively scheduled from 4-6 pm at the COE's. In addition, a virtual facilitated dialog will be open for comment from September 18-22. WestEd anticipates holding a similar series of meetings in January and April 2015.

An “invite only” meeting has been scheduled with Stakeholders on October 15, 2014 at WestEd facilities. Representatives from CAFE and Californians Together will be attending this meeting.

Californians Together is facilitating the development of evaluation rubrics specific to English learners in order to provide specific recommendations on this effort. A work group has been established comprised of researchers, educators and advocates with an EL expertise and with background and experience in developing rubrics. A first meeting was held September 10, 2014 and progress was made in identifying what should be included in an evaluation rubric. Stay tuned for further information.