

COMMISSION ON STATE MANDATES

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August 24, 2007

Carol Bingham
School Fiscal Services Division
California Department of Education
721 Capitol Mall
P.O. Box 944272
Sacramento, CA 94244-2720

And Affected State Agencies and Interested Parties (see enclosed mailing list)

Re: Request for additional information on *Academic Performance Index*, 01-TC-22
Hearing date: December 6, 2007
San Juan Unified School District, Claimant
Education Code Sections 44560 et seq., 52050 et seq.
Title 5, California Code of Regulations, Sections 1031 through 1039
Statutes 2001, Chapter 887 (SB 1295), Statutes 2001, Chapter 749 (AB 961), Statutes
2001, Chapter 745 (SB 1991), Statutes 2001, Chapter 159 (SB 662), Statutes 2000,
Chapter 695 (SB 1552), Statutes 2000, Chapter 190 (AB 2162), Statutes 2000, Chapter
71 (SB 1667), Statutes 1999, Chapter 52 (AB 1114), Statutes 1999x, Chapter 3 (SB 1)

Dear Ms. Bingham:

Commission staff has reviewed the comments filed by the Department of Education in August 2002 on the *Academic Performance Index* test claim (01-TC-22) and requests additional information on the Intermediate Intervention/Underperforming Schools Program (II/USP).

The statutes indicate that there are three ways schools may enter the II/USP without applying. First, subdivision (d) of Education Code section 52053 requires the Superintendent of Public Instruction to randomly select eligible schools to participate if fewer than the number of schools in any grade level category apply to the program. Similarly, subdivision (j) of section 52053 states that if fewer schools apply for participation than can be funded, the Superintendent with the approval of the State Board shall randomly select the balance of schools from schools eligible to participate that did not apply. Third, section 52056.5 authorizes the Superintendent to make a school district subject to the II/USP if the school fails to meet annual state growth targets established pursuant to section 52052.

Please advise as to whether any schools have entered the II/USP under these provisions from June 1999 to the present, and if so, which schools have done so. Please file your comments by September 4, 2007.

The Department of Education's response must comply with section 1183.02 (c) and (d) of the Commission's regulations. Any assertions or representations of fact must be "supported by documentary evidence which shall be submitted with the state agency's response, opposition, or recommendations. ... authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and ... based on the declarant's personal

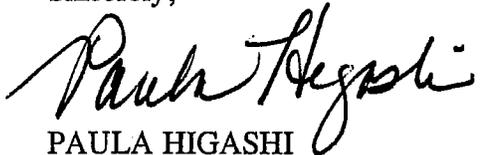
Ms Carol Bingham

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knowledge or information or belief." Also, any "written response ... shall be signed at the end of the document, under penalty of perjury by an authorized representative of the state agency, with the declaration that it is true and complete to the best of the representative's personal knowledge or information or belief. The date of signing, the representative's title, address, and telephone number shall be included."

Please contact Eric Feller at (916) 323-8221 if you have any questions regarding this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paula Higashi".

PAULA HIGASHI

Executive Director

Enclosure: Mailing List