

ITEM 7
FINAL STAFF ANALYSIS
PROPOSED PARAMETERS AND GUIDELINES

Education Code Section 52056, Subdivision (c)

Statutes 1999-2000, 1st Extraordinary Session, Chapter 3
Statutes. 2000, Chapter 695

Academic Performance Index
01-TC-22

San Juan Unified School District, Claimant

EXECUTIVE SUMMARY

The draft staff analysis and proposed parameters and guidelines for this claim were issued for comment on February 17, 2010. No comments were received. This item is being placed on the Commission's consent calendar.

Background

The approved test claim statutes require a school district governing board to discuss the results of its annual Academic Performance Index (API) ranking at the next regularly scheduled meeting following the annual publication of the API and school rankings determined by the Superintendent of Public Instruction (SPI).

On July 31, 2009, the Commission on State Mandates (Commission) adopted a Statement of Decision, approving this test claim for the following reimbursable activity:

- For a school district governing board to discuss the results of its annual ranking at the next regularly scheduled meeting following the annual publication of the Academic Performance (API) and Superintendent of Public Instruction (SPI) school rankings (Ed. Code § 52056, subd. (c), Stats. 1999-2000 1st Ex. Sess., ch. 3, eff. Jun. 25, 1999, Stats. 2000, ch. 695).

This activity is not a reimbursable mandate for schools with fewer than 100 valid test scores, or schools in the alternative accountability system that are under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, alternative schools, including continuation high schools and opportunity schools and independent study schools. (Ed. Code, § 52052, subd. (f)(1), Stats. 2001, ch. 887 & Cal. Code Regs., tit. 5, §1032, subd. (b).)

In addition, participation in the Intermediate Intervention/Underperforming Schools Program (II/USP), pursuant to section 52053, subdivisions (d) and (j), and all other test claim statutes and regulations pled in the test claim do not constitute a reimbursable state mandate.

On July 31, 2009, the Commission issued the Statement of Decision, and on September 3, 2009, issued the draft parameters and guidelines. On October 6, 2009, San Diego Unified School

District submitted comments stating that the approved activities should include the following additional tasks:

1. The API data (API scores, state ranks, and similar school ranks) are analyzed for changes in longitudinal performance of schools, to identify schools that change ranks (increase or decrease), to measure achievement gaps between student groups, and compare district performance with other urban districts.
2. Preparation of PowerPoint presentation.
3. Obtaining and organizing Data (county and school comparisons) from State Website for Reports.

San Diego also estimated that these tasks would take approximately 50-100 hours to complete depending on the enrollment of the school district. San Diego suggests that a reasonable reimbursement methodology be considered for this program.

Staff recommends that the Commission deny the first proposed list of activities requested by San Diego Unified School District – “The API data (API scores, state ranks, and similar school ranks) are analyzed for changes in longitudinal performance of schools, to identify schools that change ranks (increase or decrease), to measure achievement gaps between student groups, and compare district performance with other urban districts.” These activities are the subject of a subsequent statute (Ed. Code, § 52056, as amended by Stats. 2003, ch. 45) that was not pled in the test claim and cannot, by definition, be considered “the most reasonable method of complying with the mandate.”

Staff further recommends that the reimbursable activity be modified to incorporate activities that are necessary to comply with the mandate and to specify the activities that are not reimbursable as follows:

- For a school district governing board to discuss the results of its annual Academic Performance Index (API) ranking at the next regularly scheduled meeting following the annual publication of the API and SPI school rankings. Reimbursement is allowed for obtaining the annual API data from the State’s website and preparing a staff report, including a PowerPoint presentation, for the governing board’s discussion. (Ed. Code § 52056, subd. (c), Stats. 1999-2000 1st Ex. Sess., ch. 3, eff. Jun. 25, 1999, Stats. 2000, ch. 695.)

~~However, districts discussing the results of the annual API and SPI rankings (in § 52056, subd. (c)) is not a reimbursable mandate~~ This activity is **not** reimbursable for schools with fewer than 100 valid test scores, or schools in the alternative accountability system that are under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, alternative schools, including continuation high schools and opportunity schools and independent study schools. (Ed. Code, § 52052, subd. (f)(1), Stats. 2001, ch. 887 & Cal. Code Regs., tit. 5, § 1032, subd. (b).)

~~Participation in the H/USP pursuant to section 52053, subdivisions (d) and (j), and all other test claim statutes and regulations pled in the test claim are not reimbursable.~~

In addition, reimbursement is **not** required to analyze the API data, including STAR test scores, for changes in longitudinal performance of schools, to identify schools that change ranks, to measure achievement gaps between student groups, and to compare

district performance with other urban districts pursuant to Education Code section 52056, subdivisions (c) and (d), as amended by Statutes 2003, chapter 45.

Further, since the parties have not developed or proposed a reasonable reimbursement methodology, staff recommends that the Commission adopt parameters and guidelines based on actual costs incurred.

Conclusion and Staff Recommendation

Staff recommends that the Commission:

- Adopt the proposed parameters and guidelines, beginning on page 9.
- Authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

STAFF ANALYSIS

Claimant

Long Beach Community College District

Chronology

06/28/2002	Claimant files test claim with the Commission on State Mandates (Commission)
07/31/2009	Commission adopts Statement of Decision ¹
09/03/2009	Commission issues draft parameters and guidelines ²
10/06/2009	San Diego Unified School District files comments on draft parameters and guidelines ³
02/17/10	Draft staff analysis and proposed parameters and guidelines issued for comment

Summary of the Mandate

Education Code section 52056, as added and amended by the approved test claim statutes, requires a school district governing board to discuss the results of its annual ranking at the next regularly scheduled meeting following the annual publication of the Academic Performance Index (API) and school rankings determined by the Superintendent of Public Instruction (SPI).

The API is calculated annually by the SPI for each school using a variety of indicators that are reported to California Department of Education. The indicators include but are not limited to the results of the STAR tests,⁴ and the High School Exit Exam.⁵ Attendance rates for pupils in elementary schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools are also used.⁶ Pupil data is disaggregated by special education status, English language learners, socioeconomic status, gender and ethnic group.⁷

The SPI is required to develop, and the State Board of Education to adopt, expected annual percentage growth targets for all schools based on their API baseline score measured from the

¹ Exhibit A.

² Exhibit B.

³ Exhibit C.

⁴ The Standardized Testing and Reporting Program, or STAR, consists of four testing programs: the (1) California Standards Tests; (2) The California Achievement Tests, Sixth Edition Survey (a national norm referenced achievement test, formerly the Stanford 9); (3) Spanish Assessment of Basic Education, Second Edition; and (4) the California Alternative Performance Assessment for pupils with significant cognitive disabilities that prevent them from taking the other tests.

⁵ Education Code section 52052, subdivision (b).

⁶ Education Code section 52052, subdivision (a)(4). Attendance information for certificated school personnel was deleted from the API by Statutes 2004, chapter 915 (SB 722).

⁷ Education Code section 52052, subdivision (a)(4)(B).

previous year. The minimum growth target is 5 percent of the difference between the school's actual API score and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target need only maintain their API score above the statewide API performance target. To meet its growth target, a school must demonstrate that all ethnic and socioeconomically disadvantaged subgroups, as defined, are making comparable improvement.⁸

On July 31, 2009, the Commission on State Mandates (Commission) adopted a Statement of Decision, approving this test claim for the following reimbursable activity:

- For a school district governing board to discuss the results of its annual ranking at the next regularly scheduled meeting following the annual publication of the API and SPI school rankings (Ed. Code § 52056, subd. (c), Stats. 1999-2000 1st Ex. Sess., ch. 3, eff. Jun. 25, 1999, Stats. 2000, ch. 695).

This activity, however, is not a reimbursable mandate for schools with fewer than 100 valid test scores, or schools in the alternative accountability system that are under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, alternative schools, including continuation high schools and opportunity schools and independent study schools. (Ed. Code, § 52052, subd. (f)(1), Stats. 2001, ch. 887 & Cal. Code Regs., tit. 5, §1032, subd. (b).)

Participation in the Intermediate Intervention/Underperforming Schools Program (II/USP), pursuant to section 52053, subdivisions (d) and (j), and all other test claim statutes and regulations pled in the test claim do not constitute a reimbursable state mandate.

Comments Filed by San Diego Unified School District

On October 6, 2009, San Diego Unified School District submitted comments stating that the approved activity should include the following tasks:

1. The API data (API scores, state ranks, and similar school ranks) are analyzed for changes in longitudinal performance of schools, to identify schools that change ranks (increase or decrease), to measure achievement gaps between student groups, and compare district performance with other urban districts.
2. Preparation of PowerPoint presentation.
3. Obtaining and organizing Data (county and school comparisons) from State Website for Reports

San Diego Unified School District also estimated that these tasks would take approximately 50-100 hours to complete depending on the enrollment of the school district, and suggested that a reasonable reimbursement methodology should be considered for this program.

Discussion

Section III. Period of Reimbursement

Staff added standard boilerplate language to clarify the filing deadlines for reimbursement claims, and that no reimbursement will be provided for suspended mandates.

⁸ Education Code section 52052, subdivision (c) (Stats. 2001, ch. 887).

Section IV. Reimbursable Activities

The Commission approved this test claim for the following reimbursable activity:

- For a school district governing board to discuss the results of its annual ranking at the next regularly scheduled meeting following the annual publication of the API and SPI school rankings (Ed. Code § 52056, subd. (c), Stats. 1999-2000 1st Ex. Sess., ch. 3, eff. Jun. 25, 1999, Stats. 2000, ch. 695).

San Diego Unified School District requests reimbursement for the following additional activities:

1. The API data (API scores, state ranks, and similar school ranks) are analyzed for changes in longitudinal performance of schools, to identify schools that change ranks (increase or decrease), to measure achievement gaps between student groups, and compare district performance with other urban districts.
2. Preparation of PowerPoint presentation.
3. Obtaining and organizing Data (county and school comparisons) from State Website for Reports

The Commission has the authority to include in the parameters and guidelines “the most reasonable methods of complying with the mandate.” “The most reasonable methods of complying with the mandate” is defined as “those methods *not specified in statute* or executive order that are necessary to carry out the mandated program.” (Cal. Code Regs., § 1183.1, subd. (a)(4), emphasis added.)

Staff finds that the first proposed list of activities - to analyze the API data for changes in longitudinal performance of schools, to identify schools that change ranks, to measure achievement gaps between student groups, and to compare district performance with other urban districts – is the subject of a different statute not included in this test claim and, thus, goes beyond the scope of the mandate determined by the Commission. The claimant pled Education Code section 52056 as last amended in 2000 (Stats. 2000, ch. 695.) Education Code section 52056, subdivision (c), simply required the governing board of the school district to discuss, at the next regularly scheduled meeting, the results of the annual ranking following the annual publication of the API and school rankings by the Superintendent of Public Instruction.

In 2003, Education Code section 52056 was subsequently amended (Stats. 2003, ch. 45) to add language consistent with San Diego Unified School District’s first proposed list of activities to analyze the data included within the API ranking. The 2003 amendment “strongly encourages” the governing board to include in the board discussion an examination by school, grade, and subgroup enumerated and in accordance with federal law, the STAR test scores. The STAR test scores are included in the API ranking.⁹ Under the 2003 amendment, if the average STAR test scores fell below the 50th percentile, the board can conduct an assessment of the reasons for the performance results of the school, by grade; or adopt an improved performance plan that includes methods determined by the district to have been used by other schools with similar pupil populations and significantly higher pupil scores. The 2003 statute “strongly encourages”

⁹ Education Code section 52052, subdivision (b).

school districts to examine and analyze the data, but does not expressly mandate the activity because of mandate reimbursement costs incurred pursuant to article XIII B, section 6.¹⁰

Thus, the first proposed list of activities - to analyze the API data, which includes the STAR test scores, for changes in longitudinal performance of schools, to identify schools that change ranks, to measure achievement gaps between student groups, and to compare district performance with other urban districts – is the subject of a subsequent statute that was not pled in the test claim and cannot, by definition, be considered “the most reasonable method of complying with the mandate.” Thus, staff recommends that the Commission deny the first proposed list of activities for reimbursement.

Staff further finds that the proposed activities to prepare a PowerPoint presentation for the board discussion and to obtain API data from the State’s website are activities necessary to carry out the mandated activity for the governing board to discuss the API results. Education Code section 52056, subdivision (a), requires the Superintendent Public Instruction to rank all public schools based on the API by grade level of instruction and in comparison with other schools with similar characteristics, and to report the actual and target annual growth rates attained by the schools. These rankings are annually published on the Internet. Staff finds that obtaining the API data of the district’s schools from the State’s website and preparing a staff report, including a PowerPoint report, for the Board’s discussion are activities that are necessary to carry out the mandated program. The reimbursable activity to discuss the results of the annual API ranking has been modified to add this information and to clarify what is not reimbursable as follows:

- For a school district governing board to discuss the results of its annual ranking at the next regularly scheduled meeting following the annual publication of the API and SPI school rankings. Reimbursement is allowed for obtaining the annual API data from the State’s website and preparing a staff report, including a PowerPoint presentation, for the governing board’s discussion. (Ed. Code § 52056, subd. (c), Stats. 1999-2000 1st Ex. Sess., ch. 3, eff. Jun. 25, 1999, Stats. 2000, ch. 695.)

~~However, districts discussing the results of the annual API and SPI rankings (in § 52056, subd. (c)) is not a reimbursable mandate.~~ This activity is **not** reimbursable for schools with fewer than 100 valid test scores, or schools in the alternative accountability system that are under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, alternative schools, including continuation high schools and opportunity schools and independent study schools. (Ed. Code, § 52052, subd. (f)(1), Stats. 2001, ch. 887 & Cal. Code Regs., tit. 5, § 1032, subd. (b).)

~~Participation in the II/USP pursuant to section 52053, subdivisions (d) and (j), and all other test claim statutes and regulations pled in the test claim are not reimbursable.~~

In addition, reimbursement is **not** required to analyze the API data, including STAR test scores, for changes in longitudinal performance of schools, to identify schools that change ranks, to measure achievement gaps between student groups, and to compare district performance with other urban districts pursuant to Education Code section 52056, subdivisions (c) and (d), as amended by Statutes 2003, chapter 45.

¹⁰ Exhibit D, Senate Rules Committee, Third Reading Analysis, Assembly Bill 36 (2003-04 Leg. Sess.), dated June 17, 2003, page 3

Section V. Claim Preparation and Submission

Reasonable Reimbursement Methodology

San Diego Unified School District suggests that the Commission consider a reasonable reimbursement methodology for this program, as follows:

It is estimated the aforementioned tasks take approximately 50-100 hours to complete depending on the enrollment of the school district. The tasks are performed by supervisors and managers. Accordingly, a reasonable reimbursement methodology should be considered for this program.

No party however, has proposed a reasonable reimbursement methodology and the Commission is not authorized to propose a reasonable reimbursement methodology on its own motion. Government Code section 17518.5 states that a reasonable reimbursement methodology may be developed by any of the following parties:

1. Department of Finance.
2. The Controller.
3. An affected state agency.
4. A claimant.
5. An interested party.

The reasonable reimbursement methodology must be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies or school districts, or other projections of local costs. In addition, the proposed methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.¹¹

Therefore, since the parties listed above have not developed a reasonable reimbursement methodology for these parameters and guidelines, staff recommends that the Commission adopt the parameters and guidelines based on actual costs incurred.

Conclusion and Staff Recommendation

Staff recommends that the Commission:

- Adopt the proposed parameters and guidelines, beginning on page 9.
- Authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

¹¹ Government Code section 17518.5, subdivisions (b) and (c).