

**Notes from CDE's: Categorical Programs Directors' Meeting
Friday, December 16, 2011**

Civil Rights, CTE Compliance
Review Letter

Sharon Felix-Rochon, Staff Services, Manager II, Office of Equal Opportunity
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Handout #1

CTE Reviews have gone well. After January, the review schedule will “really pick up.”

There have been some findings (NOF) about non-discrimination statements. Districts need to update them. Another issue is that showers need to be accessible for all students, male and female.

Questions and Answers

Would non-discrimination policy, what was missing? Updating it to clearly reflect the protected groups – note all of them. Ensure sexual orientation and gender identity are included.

Recommendation: Review Seth's law – AB9, signed by governor. It deals with Ed Code section 234 – go to that section because it gives information about what we need to look at relative to a review. It's tied to FPM but because it's part of CTE review (including state) you need to look at state statute.

Bill: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_0001-0050_ab_009_bill_20111009_chaptered.pdf

SEE EXCERPT, PAGE 7

Where's the template? CDE doesn't have one on the webpage. If you go to Ed Code section 200 that's the basis relative to protected groups.

EDUCATION CODE SECTION 200-201 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=200-201>

Are they listed in the instrument itself? No.

Are there requirements for posting, disseminating the policy? For requirements, go to Ed Code 234 – centralized areas where you have the audience (lounge, headquarters) where it's a common area, classrooms, even though law is a basic minimal threshold, look at it and go beyond to prevent issues down the road.

EDUCATION CODE SECTION 234-234.3 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=234-234.3>

What major areas questions should we ask ourselves in preparation for review? What does the statement say? Where is it posted? What is your complaint process? It's very important to go to UCP (Regs 4600). Also look at redesignation – identify who is the person you go to. Name the office, not the person.

What should we look at in terms of training? What kind of training do you provide relative to your staff – awareness of statement, UCP, and their role when issues come before them and what their expected actions are. Staff interviews during review will surface this knowledge.

What about the EdEquity Instrument– should we look at this? No. CDE is updating this instrument, particularly so it's in alignment with CTE review. Don't go to that instrument yet.

How does the UCP fit into this? UCP is nothing more than a basic processing of complaints. Make sure you clarify that it can be used for discrimination issues. Make sure it's updated and reflects all of the protected groups.

If a site is up for a CTE review, are you also reviewing the UCP at elementary and middle schools? No. Reviewers look at the district and the CTE site. We only review sites with CTE programs.

SES/Choice 20 Percent Set-aside

Stephanie Smith, Consultant, Title I Policy & Program Guidance

Handout #2

916-319-0948 ssmith@cde.ca.gov

Districts with schools in PI Years 1: Set aside an amount equal to 20% of your Title I allocation, which is reported in the ConApp, and that's how you pay for transportation and SES. That's the amount you're required by law to expend. You may exceed that amount, if you choose. Up to 1% of this set-aside can be used for parent outreach activities.

If you don't meet full 20% expenditure, and you don't meet full allocation criteria, then the money rolls over to pay for even more transportation and SES services in the following year. If you're continually oversubscribed, this is not an issue. For other districts, you don't have enough students taking advantage of this, you need to be smart and think ahead about

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what you're going to do for allowable expenses and put in place all the things you need to do to reallocate and that you have DOCUMENTED that you met the reallocation criteria.

Note reallocation criteria – Page 2, slides 4-10.

- **Letters home:** If you're sending letters home through schools, you may want to send (and retain for documentation) a letter/memo to administrators that outlines expectations.
- **SES and Two Enrollment Windows:** Providing two SES windows at distinct times during the school year. **Length possible:** somewhere between two and three weeks, but whatever is reasonable for parents in your community.
 - o If the first enrollment window fills up, you don't have to have a second window if there are open spots.
- **School facilities issue:** every vendor should have equitable access to school facilities. Whatever your rules, protocols you use for everyone else, must be the same for providers. This policy should be in writing.
 - o If you don't make your facilities available to outside groups, then it's consistent.
 - o Non-profits may have a different requirement, so make sure your policy differentiates between non-profits and for-profits.
 - Entity types for providers are part of their profile.
- **Plan now for Reallocation:** Look at your past three years. Have you had money left that has gone unspent? You can start planning now about reallocation process.

SEE EXCERPT FROM P. 17 CONAPP (Part I) PAGE 8

Questions and Answers

What are examples of parent outreach? Focus on outreach activities, flyers, brochures, parent information nights – and not tied up in a position/personnel. This (kind of expenditure) will be scrutinized.

Sometimes we get allocations late (like in July.) What do we do about that? We calculate a budget earlier in the year, what are we supposed to do? When you realize you get an extra amount of money, and you're oversubscribed, see if you can serve more kids. If not, go ahead and set out a priority list to plan for what to do with the extra money.

For a County Community School serving expelled students, they don't have school choice, and we don't expend 20% on SES, what are we supposed to do? Look at the reallocation criteria and meet it.

PI LEAs had a waiver for July 2011 through June 2012. What about next year? As of this moment, ED has not invited waivers for PI LEAs to participate. We don't anticipate that PI LEAs will have the opportunity to apply. IN the event that ED invites waivers, the response is first to seek authorization from SBE to seek waiver, they seek and simultaneously release the application for PI LEAs.

A PI LEA can apply directly to ED, correct? Yes. Stephanie would appreciate if you'd call her and let her know that you're applying, since the issue will come back to her for response.

CARS Update
NO HANDOUT

Sonya Edwards, Manager, Education Data Office
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News Flash: Local Board Approval on ConApp, Part II. CDE also sent a letter clarifying requirements for approval. At the last (CDE) meeting, this group requested a copy of the instructions for CARS system. Those are still being written and since they will contain screen shots, the team wants to wait until the system is ready to complete the document. Suggestion – look at the guidance documents first.

Announcement: A statewide overview webinar on the CARS system on January 10th.

CAUTION: The presentation will take questions in chat-mode only. No phone access.

Progress around FRLP – formerly pp. 47-48. CARS is no longer collecting as part of winter data collection, but as part of the spring collection. CARS will take the counts reported through CALPADS and preload, (reliable Information Day count) then ask for you to see of that group, how many are eligible for free lunch? That will push calculation for EIA funding.

- 1) **Had to address audit finding of FRLP counts**
- 2) **School fiscal services compared CBEDS to ConApp, and found they were inconsistent.**

Questions and Answers

Where are we (with CARS development) right now?

- EdData office team is furiously preparing for rigorous testing of the system.
- Detailed test cases are being written to do this.

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What's the thinking behind not using LEAs for perspective right now? The developers would have to divert their attention from system development because a separate environment would have to be created due to firewall issues.

Timeline: Projected date? Mid-January release, and the submission deadline will be adjusted accordingly.

Two things impact rollout – recognize learning the system and getting data, but there's a third issue of meeting with stakeholders (for approval).

Will the June date be adjusted? We don't know. If the spring release goes out on time, then we'll hold to traditional due dates.

Is it possible to have a listing of sources for pre-populated data? It would be great to have an idea of when CARS is extracting data so LEAs can ensure accuracy. There is a template on the guidance that includes data sources. **CALPADS doesn't differentiate free from used. A temporary solution for this year is to have LEAs input, but in 2012-13 CALPADS will be modified such that free count eligible is separate for reduced count eligible.**

From the field: Eligibility vs. Participation: Please clarify about how the kids are tagged as eligible, since food services is responsible, and we can't necessarily double check it due to FERPA.

QUESTION: Is the number submitted on CALPADS FRLP eligible or served?

Up until now, we've been able to update those numbers when we do budget pages and allocations to sites. Now, you won't change it. If it's inaccurate, your district will need to change it in CALPADS.

Budget Update	Amy Tang Paterno, Fiscal Consultant – Fiscal Policy Office 916-322-6630 atangpaterno@cde.ca.gov
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Budget Update Trigger NO HANDOUT	Heather Carlson, Fiscal Consultant, Fiscal Policy Office 916-323-2591 hcarlson@cde.ca.gov
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We don't know what's going to be in the budget until January 10, 2012.

CA qualified for Early Education RTTT – \$50.26M

Triggers

The final Budget Act for 11-12 fiscal year included rosy revenues. Those came in \$2.2B less, which triggered "two tier."

- Second tier: What could have been a devastating 4% cut to revenue limits (\$1.5B revenue limit) was actually \$79.6M. Overall, K-12 did well compared to what could have happened.
- Deficit factors will all be increasing: 20% across the board
 - o Those cuts start in February – LEAs won't see until first principal apportionment until February 20
 - o More info to come
- \$600 Higher Ed, Social Services
- \$23M from Child Care. Across the board cut for everything except Stage I and II.
 - o More info to come
- **Biggest cut: Home to School Transportation = \$248M, about half of the program**
 - o We've gone through the first half of the school year, which is 50% of program
 - o What's left for the rest of the year?
 - o Small portion to bus replacement and repair was also hit
 - o Look at what you're entitled to and cut it in half
 - o Lawsuits are out there, but there are no guarantees on the outcome
- **Other news:**
 - o Administration said that January 10 looks like more cuts
 - o One time funds to backfill, ongoing
 - o Sounds like the budget is based on governor's proposed tax proposal – need 800,000 signatures for the measure (in November)
 - Will raise about \$700M earmarked for education
 - Problem: That's not necessarily a huge windfall, given a certain test, there's just \$700M in a dedicated stream for funding that has to go to education
 - Brown said, to the extent he proposed \$700 he'll assume it, but will include triggers if the November ballot doesn't pass

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- Look for competing tax measures on the ballot
- "Our children, Our future" – tax proposal for 1B directly to school sites reporting requirements
 - <http://ourchildrenourfuture2012.com/>
 - MOE requirements
- **Federal side**
 - Today is the last day for the Continuing Resolution keeping the government running. If nothing is passed, then tomorrow the government shuts down.
 - The House is passing a \$1T spending plan to keep everyone going until next year
 - The Senate is looking at a payroll tax cut, then if it passes, they'll send to the House
 - Cut – 1.5% cut across the board, most likely they'll continue in the future
 - Nov 23rd Super-committee was deadlocked and they gave up. \$1/2T budget cuts go into effect in 2013 and that'll be on the books until 2021. CDE is hoping they'll change this, since they had two years...
 - Could be a cut of #3.5B a year to education

Do you know what % Education is for the state budget?

It varies depending on how you look at it. Prop 98 relates to general fund revenue. It's about 40% - and only certain general fund revenue.

Questions and Answers

What have you heard about Title II? We've taken a big cut statewide... Nothing.

**FPM Update
Handout #3**

**Cindy Cunningham, Manager, Federal Program Monitoring Office
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Things to note for 2012-13:

CDE has updated the CAIS website link, on a secure server: <https://www.cais.ca.gov>

New resolution process in CAIS: PPT Slide 3, page 2. CDE no longer requires the use of a form (and will discontinue its use as of December 31, 2011) but they are building out a digital statement and electronic process. "LEA Resolution Process Update Training" – ppt archive only, but no audio.

CAIS County Leads: CDE will begin a series of phone conferences beginning in January.

Frequent non-compliant items: Slide 4, page 2. Of 16 programs that participate, you're going to see EL on all reviews, CE on most reviews, and UCP on all reviews.

Suggestion from the Field: Some of these items show up all of the time. It would be helpful to have reviewers present at future meetings at CDE to explain what they see that is out of compliance, and what the expectation is.

Suggestion #2: As technical assistance, we would like to hear about practices that reviewers have seen that have been "best practices" that could be shared. We'd like to see a slide of "Here are 10 things that are good."

Response: Paramount and Riverdale both just had reviews with zero NOF. Very good practices relative to EL's.

New requirement in Selection Criteria – New Data Reporting Component. If your district doesn't provide information to CDE throughout the year (if you fail to report data via CALPADS or CARS), then you might make the FPM review list. If you're not reporting these items, CDE cannot review the data...

Master Cycle List Update: February 2012

Spring: LEA Notifications – CDE hopes to allow districts that go out on summer break to have time to prepare/receive training. The team is hoping to announce by April, at the latest. They are also looking at another October start for onsite reviews.

Questions and Answers

Any trends after charter school visits? No. The team has only finished one visit so far, but a series of charter visits will occur in the next few months. Most will be online reviews. It's too early to talk about trends.

When you talk about spring notifications, with the larger role that you're wanting county leads to do, will they be notified? Bring that up to Ramiro Nava to make sure you're on the notification list.

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**21st Century Community Learning Center Applications
Handout #4**

**Chuck Nichols, Manager, After School Programs Office
916-319-0215 cnichols@cde.ca.gov**

There's a change in how CDE receives apps for federal and state funded grants – submitted primarily online
You may already have a login for the Assist Grant Management System. If you don't, please call the office to get it.

Applicants will key in info online:

Difference in Federal grant – You'll create a narrative separately and add in at the end. After you're done submitting online, print application, plus narrative, get signatures, and mail. The online submission portion helps speed processing the grant applications.

Check the RFAs, since they include requirements plus priority points. Federal 21st Century – schools must be SWP eligible, not participating (even if they've still chosen to remain TAS).

- Priority points – some awarded if every school is in PI status...

Matching requirement in state funded – 30%

FRLP – as reported in the new CARS system

**Open Enrollment
Handout # 5**

Barbara Pomerantz, Manager, Education Options Office

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- Not much is new. See Handout for general background information.
- Carolyn Mills is the main consultant for the Open Enrollment Program
- Website: <http://www.cde.ca.gov/sp/eo/op/>

Updated FAQ's are planned: Revisions will be made to reflect the dates.

AB 47 remains unsigned and will not be enacted. As things stand, the Open Enrollment program exists as it did originally. (Schools with 700+ API are still included on the list.)

For questions about waivers, call Christine Gordon: 916-319-0824

Open Enrollment Waivers: <http://www.cde.ca.gov/re/lr/wr/hottopics.asp>

For waivers, send your letter this FY for next FY. (Dated July 1, 2011 through June 30, 2012.) Vanessa is double checking this guidance.

Questions and Answers

When is the list generated? The list has been posted and is usually posted in the fall prior to the year it applies to. (Note: The most recent list was posted November 1, 2011 for the 2012-13 schools list.)

<http://www2.cde.ca.gov/openenrollment/schoolapi.aspx?year=2011>

Legislative Update

Chris Reeve, Legislative Representative, Government Affairs Division

916-319-0590 creefe@cde.ca.gov

We're in between middle of the two year legislative session. Where we are: Release of January 10 budget.
Legislative side: January is the "get out of jail free card" month. In January of the second legislative year, bills that were unable to get out of house of origin have a second chance at life.

- After January, we'll talk more about what two-year bills are moving. We won't see policy action until late March. Bill introduction occurs on the third Friday in February. You'll see a lot of bills that are "intent."
- A bill in policy committee has to go through policy, fiscal review and be considered by the full floor and then go over to opposing house within a month. .

Questions and Answers

What happened with AB 1330 (Furutani) CTE? This bill related to a high school graduation requirement being met by CTE (in addition to Foreign Language and the Arts). It was signed by the governor, so students can take one course to meet the elective element. It required local board action. The district can make the call on whether to do it. The district gets to choose if any courses will qualify, which will meet the requirement.

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Unscheduled Addition to Agenda

Title I Updates
NO HANDOUT

Leslie Sharp, CDE Consultant, School Fiscal Services Division
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It's very important to check out CALPADS now and make sure the FRLP count is accurate.

- 1) **2011-12 Entitlements that are posted on the web are real. If you've been holding money back or not allocating, please recheck the figures and let the money flow out.**
- 2) **In a few weeks, look out for information about the Free and Reduced numbers in CALPADS.**
 - a. Be on the lookout and scrutinize the numbers, because it impacts Title I funding, EIA funding, etc.
 - b. COEs need to pay attention – short term enrollment issues, etc.
 - c. You can go in between now and Feb. 22nd to reflect actual enrollment for 2011-12. That enrollment count is generally used in 2012-13 funding.
 - d. In school ranking, nothing has changed in the practice, but keep an eye on it.

In general, the EOY re-allocation is in the range of ½ of 1%. This happens as part of statute on a required provision. It's a tiny amount of money – it happens after they get ConApp data in, and after issues with SBE are resolved so that only a single revision impacts LEAs.

Last week Census bureau released its figures and CA finally increased poverty share, from 12.29% to 12.75%

Questions and Answers

What about the rumor that there will be a Title I reduction by 8% because of Federal Across the board cuts? The information that came across last night looks like Title I would get an increase, but then there would be a rescission, so potential increase could become a cut. Stay tuned...

The next meeting of the Categorical Program Directors is at the
California Department of Education, Room 1101 on
TUESDAY, January 17, 2012,
from 9 a.m. until 12:30 p.m.

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Excerpt from Assembly Bill No. 9
CHAPTER 723

An act to amend Sections 234, 234.1, 234.2, and 234.3 of, and to add Section 234.5 to, the Education Code, relating to pupil rights.

[Approved by Governor October 9, 2011. Filed with Secretary of State October 9, 2011.]

legislative counsel's digest

AB 9, Ammiano. Pupil rights: bullying.

Existing law provides that it is the policy of the state to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, equal rights and opportunities in the educational institutions of the state, and that it is the purpose of existing law to prohibit acts that are contrary to that policy and to provide remedies therefor. Existing law requires the State Department of Education to develop a model handout, posted on appropriate department Internet Web sites, describing the rights and obligations set forth in these provisions and the policies addressing bias-related discrimination and harassment in schools. Existing law also requires the department to monitor adherence to these provisions and, as part of its regular monitoring and review of local educational agencies, to assess whether local educational agencies have adopted a policy that prohibits discrimination and harassment and a process for receiving and investigating complaints of discrimination and harassment, as specified.

This bill would require the policy adopted by the local educational agencies to prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified. The bill also would require the process for receiving and investigating complaints to include complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified, and to include a requirement that school personnel who witness such acts take immediate steps to intervene when safe to do so, a timeline to investigate and resolve complaints, and an appeal process, as specified. The bill would make other conforming changes.

Because this bill would require local educational agencies to perform additional duties, this bill would impose a state-mandated local program. The bill would require the Superintendent of Public Instruction to post, and annually update, on his or her Internet Web site, and to provide to each school district, a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and their families.

The bill would make its provisions operative on July 1, 2012.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

2009-10 Title I, Part A End-of-Year Expenditure Report for School Choice and SES

California Department of Education

Consolidated Application

Purpose: To report on end-of-year expenditures of Title I, Part A funds on Public School Choice and Supplemental Educational Services.		Agency:	
		CD code:	
CDE Contacts: Lana Zhou 916-319-0956 LZhou@cde.ca.gov Sandi Ridge 916-319-0243 SRidge@cde.ca.gov		<input type="checkbox"/> The page is not applicable because the LEA did not have any schools in Program Improvement in 2009-10.	
A.	Expenditures for Choice Transportation and Supplemental Educational Services (SES)	Title I, Part A	Non-Title I, Part A
1.	Amount of funds expended and encumbered for Choice transportation for students who transferred from a PI school to a non-PI school under ESEA.		
2.	Amount of funds expended and encumbered for eligible students who received SES.		
3.	Amount of funds expended for parent outreach activities for Choice and SES. (0.2% = _____)*		
4.	Total expended and encumbered amount for Choice and SES (A1+A2+A3).		
5.	Amount of unspent funds (20% of 2009-10 LEA Title I allocation (_____)** - line A.4.)		
If the amount in line A.5. is larger than 0, continue to Section B.			
B.	Circumstances in Which the LEA is Not Subject to the Reallocation Criteria (check all boxes that apply)	Check if Applies	
1.	Provided Choice and/or SES to ALL eligible students using less than the 20 percent.	<input type="checkbox"/>	
2.	Encumbered 100 percent of the 20 percent obligation in SES contracts and in Choice transportation.	<input type="checkbox"/>	
3.	The LEA has only one school in each grade span and has not been able to establish interdistrict transfer agreements. The LEA could not offer SES because it was not served by any approved providers including online providers.	<input type="checkbox"/>	
If none of the boxes are checked, the LEA must complete Section C.			
C.	Reallocation Criteria for Unspent Funds of the 20% Obligation (check all boxes that apply)	Yes	No
1.	Partnered or made efforts to partner with groups such as community-based organizations to inform eligible students and their parents of the opportunity to sign up for Choice and SES.	<input type="checkbox"/>	<input type="checkbox"/>
2.	Provided timely and accurate notice of the availability of Choice and SES to eligible students and their parents.	<input type="checkbox"/>	<input type="checkbox"/>
3.	Ensured that sign-up forms for SES are distributed directly to eligible students and their parents and made widely available and accessible through broad means of dissemination.	<input type="checkbox"/>	<input type="checkbox"/>
4.	Provided a minimum of two enrollment "windows" at separate points in the school year for eligible students and their parents to sign up for SES.	<input type="checkbox"/>	<input type="checkbox"/>
5.	Ensured that approved SES providers are given access to school facilities, using a fair, open, and objective process, on the same basis and terms as are available to other groups that seek access to school facilities.	<input type="checkbox"/>	<input type="checkbox"/>

* This is 0.2% of the LEA's 2009-10 Title I, Part A, allocation after transfer (line 4 on page 33).
 ** This is 20% of the LEA's 2009-10 Title I, Part A, allocation after transfer (line 4 on page 33).