



CALIFORNIA
DEPARTMENT OF
EDUCATION

JACK O'CONNELL
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

June 4, 2010

Thelma Meléndez de Santa Ana, Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W230
Washington, DC 20202-6100

Dear Assistant Secretary Meléndez:

The State of California hereby submits for your consideration a revised waiver based on feedback from the U.S. Department of Education received on June 4, 2010. This waiver is being requested on behalf of Calexico Unified School District under the waiver authority provided in Section 9401 of Title I, Part A of the Elementary and Secondary Education Act (ESEA) of 1965.

On April 4, 2010, a 7.2 magnitude earthquake occurred in Baja California. Damage extended across the border into Imperial County. One of the hardest hit areas was the City of Calexico. The earthquake has been followed by more than 375 aftershocks, subsequent to the main earthquake. Representatives from the Division of State Architect and the California Emergency Management Agency (Cal EMA) toured the most significantly damaged areas to perform preliminary damage assessments. On April 13, 2010, Governor Arnold Schwarzenegger declared a State Emergency in Imperial County. On May 7, 2010, President Barack Obama officially declared a major disaster exists in the State of California because of the earthquake and ordered Federal aid to supplement State and local recovery efforts in the Imperial County areas struck by the earthquake beginning on April 4, 2010, and continuing.

Every school site sustained damage as a result of the earthquake which hindered the ability of the district to provide services to students. The damages ranged from classroom and office ceiling repairs to major structural repairs that posed significant threats to children safety, including asbestos issues. In addition, a portion of Jefferson Elementary School has been suspended for use until the 2010-2011 school year.

As of May 13, 2010, all schools were re-opened after performing extensive repairs to all facilities including the District Administration Office. Mitigation of potentially hazardous materials and response to student safety issues were of the utmost importance to the Calexico Unified School District.

Because the schools in Calexico were closed six weeks for safety reasons, at the time students would have traditionally taken the state assessments, the State of California requests, on behalf of the Calexico Unified School District, the waiver of following provisions of the ESEA for the 2009-10 school year only:

- Sections 1111(b)(3)(C)(v)(I) and 1111(b)(3)(C)(vii) of the ESEA and 34 C.F.R. § 200.5(a)(2), which require a state to assess students in reading/language arts and mathematics in each of grades 3 through 8 and at least once in grades 10 through 12;
- Section 1111(b)(3)(C)(v)(II) and 34 C.F.R. § 200.5(b), which require a state to assess students in science at least once during each of three specified grade spans; and
- Section 1116(a)(1)(A), which requires a state to use the state's academic assessments and other academic indicators described in the state plan to review the progress of each school to determine whether the school is making AYP.

If the waiver is granted, the California Department of Education will implement the waiver in compliance with the following conditions:

- Except as provided below with respect to high schools, CA will assign all schools in the Calexico school district and the district itself the same improvement status as was assigned based 2008–2009 assessment results and report these statuses on state and district report cards providing results of assessments administered in 2009–2010, as well as in reporting for the 2009–2010 Consolidated State Performance Report, with a note of the events that caused a repetition of last year's reported AYP status;
- Except as provided below with respect to high schools, no school or district will have its improvement status changed as a result of repeating last year's AYP results (*i.e.*, no school or district will exit, enter, or move further into improvement status);
- Every school and district will continue to carry out all required improvement activities based on their assigned improvement status (*e.g.*, offering public school choice and supplemental educational services); and
- A high school that does not meet the other academic indicator (graduation rate at the school level), and so would not make AYP regardless of student results on the Statewide assessments or participation rate, will enter or move further into school improvement status, as appropriate.

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Calexico Unified School District will provide notice and information to the public regarding this waiver request. If you have any questions regarding this issue please contact Rachel Perry, Director, Assessment, Accountability, and Awards Division at 916-319-0634 or by e-mail at rperry@cde.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah V.H. Sigman". The signature is stylized and cursive.

Deborah V.H. Sigman, Deputy Superintendent
Curriculum, Learning, and Accountability Branch

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