



455 Capitol Mall, Suite 315
Sacramento, CA 95814
Tel: (916) 444-9335
Fax: (916) 441-4851
Website: www.ssda.org

EXECUTIVE COMMITTEE

Fred Adam, Superintendent
Placer Hills Union Elementary SD

Henry Bietz
Executive Committee

Helio Brasil, Superintendent
Merced River Union Elementary SD

Dale Drew
Executive Committee

David Hutt, Superintendent
San Bruno Park SD

Linda Irving, Superintendent
San Antonio Union Elementary SD

Mike Michelin, Superintendent
Cascade Union Elementary SD

Kevin Ogden, Superintendent
Julian Union Elementary SD

Debbie Pearson
Executive Committee

Barry Simpson, Superintendent
Bishop Unified SD

FOUNDERS

Don Brann, Emeritus
David Evans, Emeritus
Ray Edman, Emeritus
1926-2006

SSDA OFFICE

John Almond
Executive Director
(916) 444-9335

Shelly Tillery
Executive Assistant
(916) 444-9335

David Walrath
1130 K Street, Ste. 210
Sacramento CA 95814
(916) 441-3300

July 19, 2010

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

**Open Enrollment Act
State Board of Education Regulations**

To Whom It May Concern:

The Small School Districts' Association opposes the State Board of Education regulations and the draft list of low-achieving schools because the regulations and list do not comply with the Open Enrollment Act.

Senate Bill 4 of the Fifth Extraordinary Session requires the Superintendent of Public Instruction (SPI) to identify California's 1,000 lowest achieving schools. The identification process contains a number of provisions. Education Code Section 48352 (a)(2)(A) states:

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.

This provision was developed to accomplish two goals; the first was to not overly burden a school district with significant flight of students from the district to other districts pursuant to the Act. The disruption that would occur by significant flight would create a significant penalty on those students whose parents chose to remain in the identified lower achieving school(s) and district. A second purpose was to reduce the number of students that would be transferring and, thereby, reduce the state's cost for declining enrollment funding to the district whose students were leaving pursuant to this provision.

The regulations and the draft low-achieving schools list is a clear violation of that law.

(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. [This language is based on the total number of schools in the LEA, not the number of identified low-achieving schools.]

The draft identification list includes schools in school districts with only one school. Consequently, those districts have 100% of their schools identified as low-achieving in a clear violation of the clear meaning of the law.

SSDA requests that the Office of Administrative Law not approve the Open Enrollment Act regulations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Walrath". The signature is stylized and cursive.

David L. Walrath

DLW:ad