

FINAL MINUTES
State Board of Education
January 7-8, 2004

Thursday, January 8, 2004

California Department of Education
1430 N Street, Room 1101
Sacramento, California

Members Present

Reed Hastings, President
Robert J. Abernethy
Donald Fisher
Brent Godfrey
Nancy Ichinaga
Suzanne Tacheny

Members Absent

Joe Nuñez, Vice President
Vacancy
Vacancy
Vacancy
Vacancy

Call to Order

President Hastings called the meeting to order at 8:03 a.m.

Salute to the Flag

Mr. Godfrey led the Board, staff, and audience in the Pledge of Allegiance.

Announcements/Communications

President Hastings announced that Item 31 would be heard in conjunction with Items W-17 through W-22.

Speaker on Waiver Item W-19

President Hastings welcomed Assembly Member Bonnie Garcia and requested that she come forward to speak on Item W-19 out of order. Assemblymember Garcia spoke in support of the Central Union High School District's waiver request.

ITEM 26	Appointments to Advisory Commission on Charter Schools.	INFORMATION ACTION
---------	---	--------------------

Ms. Belisle reported that Vicki Barber was recommended for the county superintendent opening on the Commission. She recommended scheduling interviews and reviewing the applications in February for the district superintendent opening and bringing back a recommendation from the liaisons (Mr. Fisher and Mr. Hastings) for action by the Board at the March meeting.

FINAL MINUTES
State Board of Education
January 7-8, 2004

- ACTION: Ms. Tacheney moved that the State Board approve the appointment to the Advisory Commission on Charter Schools of El Dorado County Superintendent Vicki Barber for the balance of an existing term that expires on December 31, 2004. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 27	Assignment of Numbers for Charter School Petitions.	ACTION
---------	---	--------

President Hastings stated that this item is usually a consent item but that a consent agenda was not constructed to permit discussion for the anticipated new members, who are now expected for the March meeting.

- ACTION: Mr. Abernethy moved that the State Board assign numbers to charter schools as proposed by CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 28	Determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive: Retroactive approval for 2002-03, and approval for 2003-04 (and beyond).	ACTION
---------	---	--------

Ms. Cubanski introduced the item, noting that this item is usually a consent item.

- ACTION: Mrs. Ichinaga moved that the State Board (1) retroactively approve the 2002-2003 determination of funding request from the listed charter school and (2) approve the 2003-04 (and beyond) determination of funding requests of the listed charter schools, as recommended by the Advisory Commission on Charter Schools and the California Department of Education. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 29	Countywide Charter Schools (Assembly Bill 1994): Approve commencement of the permanent rulemaking process for an addition to Title 5 of the California Code of Regulations.	ACTION
---------	---	--------

Ms. Cubanski reported on the proposed regulations.

- ACTION: Mrs. Ichinaga moved that the State Board (1) approve the proposed regulations pertaining to funding for countywide charter schools established by provisions of AB 1994, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications that may be necessary, subject to the approval of the Executive Director of the State Board; (2) direct staff to proceed with the 45-day public comment period; and (3) direct CDE staff to conduct a public hearing on the proposed regulations. Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
January 7-8, 2004

ITEM 30	Consolidated Applications 2003-2004: Approval.	ACTION
---------	--	--------

Keric Ashley, Education Data Office, reported that there were 43 applications, of which 42 were recommended for approval. He provided background information on the conditional approval recommendation for Oakland Unified School District and noted that the district has shown improvement.

Ms. Belisle stated that Mr. Fisher has usually recused himself from these actions but his vote was necessary for a quorum at this meeting. Ms. Steentofte explained that Mr. Fisher's recusals have been in the abundance of caution because he provides philanthropic funding to the charter schools and does not receive funds from them. In addition, Mr. Fisher is legally required to participate under the "necessity rule" as there is no reasonable alternative manner of decision making on this item, given the number of members present.

- ACTION: Mrs. Ichinaga moved that the State Board (1) approve the 2003-04 Consolidated Applications submitted by local educational agencies, as recommended by staff, with conditional approval of the Consolidated Application submitted by Oakland Unified School District and (2) request that CDE staff closely monitor the conditionally approved LEA and present a written report on the LEA's progress toward compliance at the State Board's May 2004 meeting. Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present.

President Hastings stated that Item 31 would now be heard in conjunction with W-17, W-18, W-19 and W-21. Item W-20 was withdrawn.

ITEM 31	Immediate Intervention/Underperforming Schools Program (II/USP): Proposed Intervention for (Cohorts I and II) schools that failed to show significant growth.	INFORMATION ACTION
---------	---	-----------------------

Wendy Harris, School Improvement Division, introduced this item with the associated waiver items related to the sanctions for the II/USP schools. She provided background information and explained the alternate criteria to show significant growth. Bill Padia, Policy and Evaluation Division, and Sue Stickel, Curriculum and Instruction Branch, also provided background information.

FINAL MINUTES
State Board of Education
January 7-8, 2004

IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOLS PROGRAM (II/USP)

ITEM W-17	Request by various school district(s) on behalf of (11 possible) school(s) in Cohort I of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2002, (Invalid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year. Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.	ACTION
ITEM W-18	Request by various school district(s) on behalf of (6 possible) school(s) in Cohort II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) postponed Nov 14, 2002, (Invalid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year. Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.	ACTION
ITEM W-19	Request by various school district(s) on behalf of (20 possible) school(s) in Cohort I of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year. Failing that the district(s) may wish to waive the timeline in portions of E.C. 52055.51(d) Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.	ACTION
ITEM W-20	Request by various school district(s) on behalf of (2 possible) school(s) in Cohort II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive sanctions in portions of E.C. 52055.5(b), in effect to keep the schools on “watch” for another year. Failing that the district(s) may wish to waive the timeline in portions of E.C. 52055.51(d) NOTE: This is being submitted as a PLACE HOLDER Recommendation: Waiver and recommendations may be added in a Last Minute Memorandum.	ACTION

FINAL MINUTES
State Board of Education
January 7-8, 2004

ITEM W-21	<p>Request by various school district(s) on behalf of school(s) in Cohort I or II of the Immediate Intervention and/Underperforming Schools Program (IIUSP) moved into interventions status on Nov 12, 2002, (Valid API) to waive the timeline for sanctions activities in portions of E.C. 52055.51(d)</p> <p>Recommendations: Some individual waiver and recommendations are attached, more may follow in a Last Minute Memorandum.</p>	ACTION
-----------	--	--------

Ms. Pinegar reported on Items W-17 through W-19 and W-21. She announced that Item W-20 was withdrawn.

The following individuals addressed the Board:

Manuel Escandon, principal, McCabe Junior High School, Mendota Unified
 Elliott Duchon, Deputy Superintendent, Jurupa Unified School District
 Jay Trujillo, Principal Rubidoux High School, Jurupa Unified School District
 Rosa Molina, Director Elementary Education, San Jose Unified School District
 Erin Greene, Principal, Hester Elementary School, San Jose Unified School District
 Alexis Sheehy, Assistant Superintendent Instructional Services, Burbank Unified School District
 Caroline Brum, Director of Curriculum Instruction and Assessment, Burbank Unified School District

- ACTION: Ms. Tachney moved that the State Board adopt the alternative criteria to show significant growth as recommended by the Department. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.
- ACTION: Ms. Tachney moved to approve the waiver requests, with corrections, of the six schools that met the alternative criteria to show significant growth, specifically Stonehurst Elementary (Oakland Unified School District), Bancroft Middle School and Fairfax Senior High School (Los Angeles Unified School District), Reyes Elementary School (Merced City Elementary School District), Lehigh Elementary School (Ontario-Montclair Elementary School District), and Tulare Western High School (Tulare Joint Union High School District). Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.
- ACTION: Ms. Tacheny moved to deny the waiver requests of the three schools without valid APIs (McCabe Junior High (Mendota Unified School District), Rubidoux High (Jurupa Unified School District), and O'Farrell Community Charter (San Diego Unified School District)) that also did not meet the alternative criteria to show significant growth on the basis of *Education Code* 33051(a) (1). Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
January 7-8, 2004

- ACTION: Mr. Godfrey moved to defer action on Biggs High School (Biggs Unified School District) until the March meeting to allow the correction of its data. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

- ACTION: Mr. Abernethy moved to deem the remaining 10 schools without valid APIs that were deferred from the Board's November meeting as state-monitored and require them to enter into contracts with School Assistance and Intervention Teams (SAITS) – because the schools have failed to show significant growth, as required by law – and allow the governing board of each school district to retain its legal rights, duties, and responsibilities with respect to each state-monitored school within its jurisdiction. Specifically, these schools are:
 - Anna Yates Elementary School (Emery Unified School District)
 - Emery High School (Emery Unified School District)
 - Tennyson High School (Hayward Unified School District)
 - McCabe Junior High School (Mendota Unified School District)
 - Centennial High School (Compton Unified School District)
 - Ord Terrace Elementary School (Monterey Peninsula Unified School District)
 - Rubidoux High School (Jurupa Unified School District)
 - O'Farrell Community Charter School (San Diego Unified School District)
 - Balboa Elementary School (San Diego Unified School District)
 - Rio Plaza Elementary School (Rio Elementary School District)

Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

- ACTION: Ms. Tacheny moved to approve the waiver requests for Central High School and Southwest High School (Central Union High School District). Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

- MOTION FAILS: Mrs. Ichinaga moved to approve the waiver requests for Providencia Elementary (Burbank Unified School District) and Hester Elementary (San Jose Unified School District). Mr. Fisher seconded the motion. The motion failed by a vote of 2-3-1. Mrs. Ichinaga and Mr. Fisher voted in favor of the motion. Mr. Abernethy, Mr. Godfrey, and Mr. Hastings voted against the motion. Ms. Tacheny abstained from voting.

- MOTION FAILS: Mrs. Ichinaga moved to approve the timeline waiver request for Providencia Elementary (Burbank Unified School District). Mr. Fisher seconded the motion. The motion failed by a vote of 5-1. Mr. Hastings, Mrs. Ichinaga, Mr. Fisher, Ms. Tacheny and Mr. Godfrey voted in favor of the motion. Mr. Abernethy voted against the motion.

FINAL MINUTES
State Board of Education
January 7-8, 2004

- ACTION: Mr. Godfrey moved to approve the timeline waiver request for Nan Sanders Elementary School (Perris Elementary School District). Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.
- ACTION: Mrs. Ichinaga moved to deem the Pomona Senior High School (Pomona Unified School District), Nellie Coffman Middle School (Palm Springs Unified School District), and Hiram Johnson (Sacramento City Unified School District) state-monitored and require them to enter into contracts with School Assistance and Intervention Teams (SAITS) – because the schools have failed to show significant growth, as required by law – and allow the governing board of each school district to retain its legal rights, duties, and responsibilities with respect to each state-monitored school within its jurisdiction. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.
- By consensus, the State Board agreed to defer action on Fruit Ridge Elementary School (Sacramento City Unified School District) to allow the district to pursue a waiver request under the alternative criteria at the Board’s March meeting.

The Board held an in-depth discussion. President Hastings directed staff to bring a waiver policy to the Board for schools that are at higher deciles of the API but do not have significant growth. President Hastings also asked for a report in one year from McCabe, Rubidoux and O’Farrell on the SAIT process in their schools and the academic progress at their school.

ITEM 32	Immediate Intervention/Underperforming Schools Program (II/USP): School Assistance and Intervention Team (SAIT): Approval of expenditure plan to support activities and corrective actions in non-Title 1 “state-monitored” schools.	INFORMATION ACTION
---------	--	--------------------

Ms. Harris, reported on this item.

- ACTION: Ms. Tacheny moved that the State Board approve the expenditure plan with any necessary changes to reflect the actions taken by the Board in Item 31 and Waivers W-17 through 19 and W-21 with the approval of the technical changes by the Executive Director of the State Board. Mr. Godfrey seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
January 7-8, 2004

CONSENT WAIVERS (Items WC-1 through WC-9)

ADULT EDUCATION INNOVATION AND ALTERNATIVE INSTRUCTIONAL DELIVERY PROGRAM

ITEM WC-1	Request by Whittier Union High School District to waive <i>Education Code (EC)</i> Section 52522(b) to increase their adult education state block entitlement of 5 percent to 7 percent for implementation of approved programs (Adult Education Innovation and Alternative Instructional Delivery Program) CDSIS-3-8-2003 (Recommended for APPROVAL) for one year only	ACTION
-----------	--	--------

CARL D. PERKINS VOCATIONAL & APPLIED TECHNOLOGY EDUCATION ACT

ITEM WC-2	Request by Southern Humboldt Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998. (Public Law 105-332) CDSIS-29-7-2003 (Recommended for APPROVAL)	ACTION
-----------	--	--------

FEDERAL WAIVERS – SAFE AND DRUG FREE

ITEM WC-3	Request by Chino Valley Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(c) to use Safe and Drug Free Schools and Communities funds to support the cost of The Great Body Shop , a Comprehensive Health, Substance Abuse, Violence prevention Program preK-8th grade. CDSIS-Fed-09-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM WC-4	Request by Sacramento City Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Connecting With Kids , multi-media approach to teaching life skills for grades 3-12. CDSIS-Fed-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

FINAL MINUTES
State Board of Education
January 7-8, 2004

GOLDEN STATE EXAMINATION

ITEM WC-5	Request by Liberty Union High School District to waive <i>Education Code</i> (EC) Section 51451, regarding the method of qualifying the 2003 high school seniors for a Golden State Seal Merit Diploma. CDSIS-10-10-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	---	--------

NONPUBLIC SCHOOL/AGENCY (annual certification)

ITEM WC-6	Request by Santa Monica-Malibu Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(g), the August 1 through October 31 timeline on annual certification renewal application for Step by Step for the 2003 certification year (October 31, 2002). CDSIS-20-11-2003 (Recommended for APPROVAL)	ACTION
ITEM WC-7	Request by Glendale Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(g), which would allow Gayle L. Slott NPA (speech/language therapist) to submit the renewal application outside the August 1 - October 31 timeline. CDSIS-11-10-2003 (Recommended for APPROVAL)	ACTION

REGIONAL OCCUPATIONAL PROGRAM

ITEM WC-8	Request by La Puente Valley Regional Occupational Program for a renewal waiver of <i>Education Code</i> (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP). CDSIS-2-11-2003 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> (EC) Section 33051(c) will apply	ACTION
ITEM WC-9	Request by San Bernardino County Superintendent of Schools Regional Occupational Program to waive <i>Education Code</i> (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP), which will cover all sixteen districts and the juvenile court school program within the district ROP Consortium. CDSIS-5-11-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

FINAL MINUTES
State Board of Education
January 7-8, 2004

- ACTION: Mr. Abernethy moved that the State Board approve the waiver requests under waiver items WC-1 through WC-9, including any conditions, as recommended by staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

PROPOSED CONSENT WAIVERS (W-6 through W-7, W-10 through W-16, and W-22)

EQUITY LENGTH OF TIME

ITEM W-6	Request by Tracy Unified School District for a waiver of <i>Education Code</i> (EC) Section 37202, equity length of time requirement, to increase instructional minutes at four of their elementary schools, Clover, Delta, South and Poet-Christain . CDSIS-4-12-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-7	Request by Hesperia Unified School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Mesa Academy School . CDSIS-18-11-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-10	Request by Dixon Unified School District for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 because the public hearing was not noticed for ten days as required. This is the second year in a row for this district as they had an audit finding in fiscal year 2000-2001. CDSIS-7-8-2003 (Recommended for APPROVAL)	ACTION
-----------	---	--------

INSTRUCTIONAL TIME PENALTY

ITEM W-11	Request by Newport-Mesa Unified School District to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for fiscal year 2001-2002 at Middle College High School due to a shortage of 1,800 instructional minutes. CDSIS-3-10-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	--	--------

FINAL MINUTES
State Board of Education
January 7-8, 2004

ITEM W-12	Request by Santa Monica-Malibu Unified School District to waive <i>Education Code</i> (EC) Section 46202, because they offered less than the required 1982-83 minutes for fiscal year 2001-2002 at Muir Elementary School due to a shortage of 310 instructional minutes. CDSIS-2-10-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
-----------	--	--------

NONPUBLIC SCHOOL/AGENCY (child specific)

ITEM W-13	Request by Tustin Unified School District (TUSD) to waive <i>Education Code</i> (EC) Section 56366.1(a), certification requirements for an uncertified nonpublic agency to provide Behavioral Intervention Services to a severely disabled special needs student. Supported Unique Consumer Center Education for Post Secondary Students (SUCCESS) Gallegos, The Mountain O.T.R. CDSIS-46-4-2003 (Recommended for APPROVAL)	ACTION
ITEM W-14	Request by Claremont Unified School District to waive <i>Education Code</i> (EC) Section 56366.1(a), certification for an uncertified nonpublic school, Briggs and Association to provide speech and language services to one special education student Kau A. CDSIS-30-5-2003 (Recommended for APPROVAL)	ACTION
ITEM W-15	Request by East Side Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Heartspring School located in Wichita, Kansas to provide services to one special education student, Ryan L. CDSIS-4-11-2003 (Recommended for APPROVAL)	ACTION
ITEM W-16	Request by East Side Union High School District to waive <i>Education Code</i> (EC) Section 56366.1(a) certification for an uncertified nonpublic school, Sunhawk Academy located in Saint George, Utah to provide services to one special education student, Natalie G. CDSIS-12-11-2003 (Recommended for APPROVAL)	ACTION

FINAL MINUTES
State Board of Education
January 7-8, 2004

SCHOOL SITE COUNCIL

ITEM W-22	Request by Tamalpais Union High School District to waive <i>Education Code</i> (EC) Sections 62002 (sunset provision) and 52012, relating to the composition of a school site council (SSC). Waiver will allow the use of Department Chairs on the SSC, even though they are not “elected “ by teachers. CDSIS-1-11-2003 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> (EC) Section 33051(c) will apply	ACTION
-----------	--	--------

- ACTION: Mr. Godfrey moved that the State Board approve the waiver requests under waiver items W-6 through W-7, W-10 through W-16, and W-22, including any conditions, as recommended by staff. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

NON-CONSENT WAIVERS (W-1 through W-5, W-8, and W-9)

ALGEBRA 1 GRADUATION REQUIREMENT

ITEM W-1	Request by Santa Cruz City Schools to waive <i>Education Code</i> (EC) Section 51224.5, regarding completion of a course in Algebra 1 as part of the graduation requirement, so that the 6% of the graduating seniors of 2004 may get a diploma. CDSIS-17-11-2003 (Recommendation will be submitted in a Last Minute Memorandum)	ACTION
----------	---	--------

Ms. Stickel reported on the problem of students not completing Algebra, as required by statute. She explained the waiver request and the recommended conditions for approval. President Hastings asked that a waiver policy be brought to the Board in March.

The following individuals addressed the Board:

George Martinez, President, Greater Santa Cruz Federation of Teachers
Silvia De Ruvo, California Association of Resource Specialists and Special Education Teachers

- ACTION: Mr. Abernethy moved that the State Board approve the waiver request under W-1, with conditions as follow, to waive *Education Code* (EC) Section 51224.5, regarding completion of a course in Algebra I as a part of the graduation requirement so that 6% of graduating seniors of 2004 may get a diploma.
 1. All seniors (Class of 2004) who have not completed Algebra I will be enrolled (or remain enrolled) and will be encouraged to complete the course during the spring semester of 2004.

FINAL MINUTES
State Board of Education
January 7-8, 2004

2. All students (and their parents/guardians) in the Class of 2005 who have not completed Algebra I will be:
 - Advised immediately of the Algebra I completion requirement; and
 - Receive counseling in selecting summer school classes in 2004 and regular classes in 2004-05 to ensure that they enroll in and complete Algebra I.
3. Santa Cruz City Schools specifically acknowledges that the State Board does not intend to waive the Algebra I requirement for any Santa Cruz City Schools student in the Class of 2005.
4. On Friday, April 2, 2004, Santa Cruz City Schools agrees to provide a status report on all of its students in the Class of 2004 and the Class of 2005 who have not completed Algebra I and the efforts being made to facilitate their completion of the course.
5. On or before Friday, April 30, 2004, the Executive Director of the State Board will determine whether the conditions have been met (or that processes are in place to ensure that the conditions will be met) as appropriate. If the Executive Director determines that the conditions have been (or will be) met, this waiver is operative. If the Executive Director determines that the conditions have not been (or will not be) met, this waiver is denied pursuant to the reasons justifying denial as set forth in *Education Code* Sections 33051(a)(1) – the educational needs of pupils are not met – and (4) – pupil protections are jeopardized. If denied, SCCS will then be notified of the option of having the denial placed on the May 2004 State Board agenda for purposes of reconsideration, subject to the public notice limitations of the Bagley-Keene Open Meeting Act.

Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ACADEMIC PERFORMANCE INDEX

ITEM W-2	<p>Wasco Union High School District requests a waiver of Title 5, California Code of Regulations (CCR), Section 1032(d)(5) which would in effect allow Wasco Union High School to receive a valid API for the 2002-2203 base and growth targets with “less than 85%” of students taking the World History and U.S. History portion of the California Standards Test. CDSIS-10-11-2003 (Recommended for DENIAL)</p>	ACTION
----------	---	--------

The following individual addressed the Board:
Dixie Schroder, Principal, Wasco Union High School

FINAL MINUTES
State Board of Education
January 7-8, 2004

- ACTION: Mrs. Ichinaga moved that the State Board deny the waiver request under W-2 per *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM W-3	<p>Oak Park Unified School District (OPUSD) requests a waiver of Title 5, California Code of Regulations (CCR), Section 1032 (d)(1) and (6) to allow Oak Hills Elementary School to be given a valid API score for the 2003 year “despite adult testing irregularities (writing assessment for 18 students in Grade four).” CDSIS-9-11-2003 (Recommended for DENIAL)</p>	ACTION
----------	--	--------

The following individual addressed the Board:
Anthony Knight, Oak Park Unified High School District

- ACTION: Mrs. Ichinaga moved that the State Board approve the waiver request under W-3. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

CLASS SIZE REDUCTION (Option 1 funding)

ITEM W-4	<p>Request by Los Angeles Unified School District for a waiver renewal of <i>Education Code</i> (EC) Sections 52122 (b)(2)(A) and 52123 (c) for allowing 22 multi-track year round education school sites with 200 or more students per acre to receive Option 1 Class Size Reduction funding. This is the fifth and final renewal for 22 schools. CDSIS-3-11-2003 (Recommended for APPROVAL)</p>	ACTION
----------	--	--------

Fred Yeager, School Facilities Planning Division, presented this waiver.

- ACTION: Recognizing that this is the final renewal of this waiver request, Mr. Godfrey moved that the State Board approve the waiver request under W-4, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
January 7-8, 2004

EQUITY LENGTH OF TIME

ITEM W-5	Request by Bonita Unified School District to waive <i>Education Code</i> (EC) Section 37202, equity length of time requirement, to allow a full day kindergarten pilot program at Allen Avenue, Fred Ekstrand, Gladstone, Grace Miller, La Verne Heights, J. Marion Roynon, Arma Shull and Oak Mesa Elementary Schools. CDSIS1-9-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	--	--------

The following individual addressed the Board:

Don Bridge, California Teachers Association, representing Bonita Unified Teachers Association

Action on this item was delayed until the March meeting.

FEDERAL WAIVERS – SAFE AND DRUG FREE

ITEM W-8	Request by Novato Unified School District to waive No Child Left Behind Act (NCLB); Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities funds to support the cost of Here's Looking At You , as a kindergarten through twelfth grade prevention program CDSIS-Fed-08-2003 (Recommended for DENIAL)	ACTION
----------	---	--------

- ACTION: Mrs. Ichinaga moved that the State Board deny the waiver request under W-8, as recommended by staff. Mr. Godfrey seconded the motion. The motion was approved by unanimous vote of the members present.

INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

ITEM W-9	Petition request under <i>Education Code</i> (EC) Sections 60421(d) and 60200(g) by Hillsborough City School District to purchase non-adopted Instructional Resources (<i>Everyday Mathematics, Grades K-5</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-19-11-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	--	--------

- ACTION: Mrs. Ichinaga moved that the State Board approve the waiver request under W-9, including the conditions, as recommended by staff. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
January 7-8, 2004

Completion of Terms by Board Members

President Hastings announced that Mr. Abernethy, Mrs. Ichinaga, and he were finishing out their terms this month. He noted that each of the three members might continue their term for up to an additional 60 days, if required. Each of the Board members thanked President Hastings, Mr. Abernethy and Mrs. Ichinaga for their service to the Board. Ms. Tacheny noted for the record her recognition of the good work and contributions that Ms. Katzman, Mr. Washington and Mr. Rodriguez (previous Board members) had also made to the Board. Superintendent O'Connell stated that over 6 million students in California have benefited from the work of all of these Board members.

Adjournment of the Meeting

President Hastings adjourned the meeting at 11:03 p.m.