

FINAL MINUTES
State Board of Education
July 9-10, 2003

Wednesday, July 9, 2003

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

Members Present

Reed Hastings, President
Joe Nuñez, Vice President
Donald Fisher
Nancy Ichinaga
Carol S. Katzman
Stephanie H. Lee
Luis J. Rodriguez
Suzanne Tacheny
Curtis Washington

Members Absent

Robert J. Abernethy
Vacancy

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

Rae Belisle, Executive Director, State Board of Education
Karen Steentofte, Chief Counsel, State Board of Education
Phil Garcia, Deputy Executive Director, State Board of Education
Greg Geeting, Assistant Executive Director, State Board of Education
Marion Joseph, Special Consultant to the State Board of Education
Debbie Rury, Education Policy Consultant, State Board of Education
Deborah Franklin, Education Policy Consultant, State Board of Education
Maryanna Rickner, Legal Assistant, State Board of Education
Hazel Bailey, Executive Assistant, State Board of Education
Robin Jackson, Executive Secretary, State Board of Education
Gavin Payne, Chief Deputy Superintendent, California Department of Education
Susan Ronnback, Chief Policy Advisor to the State Superintendent of Public Instruction
Cindy Cunningham, Liaison to the State Board, California Department of Education
Marsha Bedwell, General Counsel, California Department of Education

Call to Order

President Hastings called the meeting to order at 9:03 a.m.

FINAL MINUTES
State Board of Education
July 9-10, 2003

Salute to the Flag

Ms. Lee led the Board, staff and audience in the Pledge of Allegiance.

Approval of Minutes (June 2003 Meetings)

- **ACTION:** Ms. Lee moved that the State Board approve the minutes of the June 2003 meeting with minor corrections. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

Announcements

Agenda Changes

President Hastings announced that (1) Item 18 had been postponed to a later meeting; (2) Item 27 had been withdrawn because no new providers were recommended for approval; and (3) a Spanish language translator was available if anyone required one.

Note: Items appear in the order they were heard.

ITEM 1	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
--------	--	-----------------------

Bylaws Changes

President Hastings requested that the Board evaluate the purposed change in the meeting calendar at the May 2004 meeting. The Bylaw changes are aimed at making the Board meetings more effective and to give the Board and the Department time to develop more thoughtful agenda items.

Ms. Tacheny emphasized that the Board members need time to prepare for each meeting. She noted that the current meeting schedule does not facilitate public access. The many last-minute items frustrate the public as well as Board members. Mr. Rodriguez commented that he had spoken to many members in the community and the main issue that came up was access to the Board. Every-other-month meetings do not mean less work; the Board members should make themselves available to the public.

President Hastings explained that the Bylaw change proposal was being voted on collectively. Mr. Rodriguez expressed his concern about eliminating committees. In regard to the amendment for the Board President to make appointments, Mr. Rodriguez was concerned about the power vested in one person. President Hastings noted that the committees being eliminated had not met for years, and that the appointment provisions essentially aligned the Bylaws with current practice.

Superintendent O'Connell noted the California State University Trustees and the University of California Regents meet every other month. He expressed his support of the motion on a one-year basis.

FINAL MINUTES
State Board of Education
July 9-10, 2003

The Department staff will utilize the additional time between meetings to develop long-term strategic planning. Mr. Fisher suggested keeping calendars open on days in which the 2003-2004 meeting dates were set so members are available if a special meeting becomes necessary.

Ms. Katzman was concerned about the size of the agenda. She asked if there was another option that could be considered, such as every six weeks or quarterly.

Mr. Nuñez supported the every-other-month schedule. As a veteran member, he has seen the mad rush to get items together. The current timeline makes it difficult to have a thoughtful discussion. Mr. Nuñez would welcome having more time to be thoughtful in finalizing items. He stated that standing committees have not worked but a liaison approach has been developed that seems to be working. There had been problems in the past getting a quorum for full Board meetings; only six members had been present. The every-other-month schedule should help with this problem.

Mr. Washington reminded the Board that last month he stated his concerns about public access. He felt the Board must take a risk with the every-other-month meetings to see if it is better for the Board, Department staff, and the public. President Hastings indicated an assessment in one year should be helpful.

Ms. Tacheny recognized that there had been a problem with the public not having time to review items prior to the meetings. Ms. Belisle explained that the Board had considered other schedules in the past that included meeting every six weeks, but felt that option was too difficult. They did have more active committees, but reaching a quorum had been a problem. Ms. Belisle expressed her concern about complicated issues that will come before the Board, such as No Child Left Behind (NCLB). She said the liaison approach has the advantage of developing the Board's expertise in specific areas. Special meetings could be made available through teleconferences. Staff level meetings are being scheduled to eliminate supplemental and last minute-items because they do not provide timely information to the Board or the public. Information memorandums will be sent to the Board members every other month so there is time to study issues. Ms. Belisle explained that the goal is to give the Department staff more time for creative thinking. She acknowledged that it is a great undertaking but she is determined to make it work. The point is to give the public better access to the Board and to inform the public on what it is doing. Ms. Belisle shared the concern about whether this new schedule will work. A review in May 2004 will be very important.

Ms. Belisle addressed Mr. Fisher's concern about regulations. She stated that the 15-day changes on regulations were often due to staff not having enough time to thoroughly review proposed regulations. More time is needed up front for staff to put their best foot forward in order to reduce the number of 15-day comment periods.

- ACTION: Ms. Tacheny moved that the State Board approve the proposed Bylaw changes relating to meeting schedule, public hearing process, modification of committee structure, establishment of representatives for specified purposes, and appointments by the State Board President, as presented in writing at the June 2003 meeting. The motion incorporated an agreement to review

FINAL MINUTES
State Board of Education
July 9-10, 2003

the Bylaw changes at the May 2004 meeting, evaluating whether expectations are being met. Mrs. Ichinaga seconded the motion. The motion was approved by a vote of 7-2. Ms. Katzman and Mr. Rodriguez voted against the motion.

The following individual addressed the Board:
Linda Kaminski, Association of California School Administrators

President Hastings stated that it will be important to discuss how this is working and for Board members to speak up if they have concerns.

ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
--------	---	-------------

The following speaker addressed the Board:
Melissa Chabran, San Francisco Unified School District

ITEM 3	Seminar Session: Report on California Charter Schools	INFORMATION
--------	---	-------------

Mr. Fisher introduced Nelson Smith, Vice President for Policy and Governance – New American Schools, who is a former charter authorizer and a nationally recognized expert on charter schools. Mr. Smith made a PowerPoint presentation to the Board on the recent report he prepared for the Progressive Policy Institute. California has largely district-based authorization, which is problematic in his opinion. Mr. Smith reported that typically it takes two to three years for charter schools to become fully established with an upturn seen in the third year.

Mr. Smith reported that charter schools might prove to be cost-effective. In charter high schools, gains are double those of other public high schools since 1999, and in charter elementary schools, gains are faster than non-charter public schools in their home district. Charter schools are doing a better job of improving the academic performance of California’s most at-risk students than non-charter California public schools.

The number one challenge is to improve oversight. The other challenges include funding disparities and compliance with No Child Left Behind (NCLB), which may create disincentives to serve at-risk kids. Recommendations of the study were (1) end the district monopoly; (2) ramp up supply; (3) push innovation among sectors; (4) avoid over regulation; and (5) think big.

The following individual addressed the Board:
David Patterson, California Network of Educational Charters

No action was taken.

FINAL MINUTES
State Board of Education
July 9-10, 2003

ITEM 4	California High School Exit Examination (CAHSEE): Including, but not limited to, Decision Required by AB 1609.	ACTION INFORMATION
--------	--	--------------------

President Hastings announced that Board members have only one opportunity to postpone the consequences of the CAHSEE and any postponement must occur prior to August 1, 2003, as provided by the statute. He reminded the Board members to keep in mind that they would have no further opportunity to postpone.

Deputy Superintendent Geno Flores provided background information on the development and implementation of the CAHSEE. He reviewed the findings in the HumRRO report on the powerful effect of the CAHSEE on instruction. Mr. Flores explained HumRRO was contracted for the study, which was required by AB 1609. They presented the Board with data that are available on the Department's website.

Superintendent O'Connell stated that a high school diploma must stand for something. We have an obligation to our students. Students must have options, and they need tools. A high school diploma states our students have skills. Lower scores are a motivation to have the CAHSEE, not to eliminate it. We should not expect less of any of our students. The problem would be exacerbated if we demanded less of our students. The test has been successful and valid but it appears from the HumRRO report that not all our students have had all the tools to succeed. We have seen significant improvement between the first test takers in 2002 and the most recent test takers in 2003. The students benefited from being immersed in standards-based education. The CAHSEE is about students learning, not simply passing a test. We have struggling schools and challenging students, but we do have programs to address these issues. Superintendent O'Connell stated his support for delaying the CAHSEE for two years. The delay will allow other successful reforms to work. It is about the future of our students.

President Hastings introduced Kerry Mazzoni, Secretary for Education. Ms. Mazzoni read a statement from Governor Davis. She provided her own comments regarding the exam. Students are more focused and taking summer school. Schools have made great progress toward fully teaching the core academic content standards. The Board should be guided by research and data when deciding how long to delay the CAHSEE. Independent evaluators found that all of the class of 2004 did not have the tools required. It is encouraging news that reforms are working. More and more students will pass this test over time. The CAHSEE ensures students have the English and math skills they need. Intervention materials are now available. The goal is for all students to learn the material regardless of the results of the test. Students must learn the skills of the test in order to succeed.

President Hastings announced that speakers would be held to two minutes and requested that speakers not repeat what others have said.

The following individuals addressed the Board:
Yvonne Tran, student, Californians for Justice member
Marisol Melendrez, student, Californians for Justice member
Choisette Hunter, parent
Tonya Garcia, parent

FINAL MINUTES
State Board of Education
July 9-10, 2003

Jonathan Rios, student, San Diego Youth Organization
Emily Hobson, Californians for Justice staff
Jo Behm, parent
Eileen Montez, student
Lisette Bedolla, student
Jose Castro, parent, Edison High School Board member
Jaime Castro, student, Californians for Justice member
Erika Thomas, student, Californians for Justice member
Denny Lopez, student
Eduardo Hernandez, student, Californians for Justice member
Kellon Patterson, student, Californians for Justice member
John Affeldt, Public Advocates staff
Monique Chapman, parent
Lindsey Leong, student, Californians for Justice member
Ofelia Hernandez, Huntington Park City Council member
Samantha Knox, student, Californians for Justice member
Melissa Chabran, San Francisco Unified School District
Russlynn Ali, The Education Trust-West
Linda Kaminski, Association of California School Administrators
Denis O'Leary, League of United Latin American Citizens
Mshinda Nyofu, Acting Chair, Black American Political Association of California, San Diego
Sylvia De Ruvo, California Association of Resource Specialists and Special Education Teachers
Guillermo Terrazas, League of United Latin American Citizens
Ernesto Cisneros
George Sheridan, teacher, parent
Lucas Coiner-Porter, Californians for Justice member

President Hastings requested Board deliberation. Ms. Tacheny thanked the speakers, especially the students, for coming to speak. She stated that she agreed with them on many aspects. Where they may disagree, is that she thinks the CAHSEE does improve student learning. It also holds schools accountable. The math content is barely enough to get into a post high school vocational program. The same is true for the English-language arts test. Ms. Tacheny stated the reality is that the test is needed. The dead end is not the test but the lack of education. The Board is concerned about the students' futures, and its actions are motivated to give students what they need.

Mr. Rodriguez recognized the parents, teachers, and students for expressing their concerns to the Board. One thing to consider is that the Governor has shown a great deal of support for education. The CAHSEE is a very valuable vehicle used by parents and students to ensure districts are providing students with the education they need. Mr. Rodriguez had concerns about the consistency of administration across the state. Other concerns he had were the uncertainty of what education will look like after the Budget is passed and whether two years would be enough. His belief was that three to four years would be better.

Ms. Lee thanked all the speakers who had come to the meeting. She stated that the test is a good idea and thought delaying its consequences for a short time was also a good idea. Postponing the test until everything is perfect is not a reality. Ms. Lee believed there should be a tangible postponement date (not a vague date as some had suggested).

FINAL MINUTES
State Board of Education
July 9-10, 2003

Mrs. Ichinaga stated that she has worked with a high school that has many students who cannot read. The school just adopted intervention materials last year. Students have only had one year of instruction with the materials, but it takes three years to complete the program in order to have an impact. She stated two years is not enough to give the students a fair chance.

Ms. Katzman acknowledged the students for being involved citizens. Under the leadership of the Governor, the Board, and the Superintendent, there is now a system in place, a method of assessment and more credentialed teachers. Ms. Katzman said she was inspired by the positive changes in education in the state and was concerned about losing the momentum that has been created. She felt that the administration of the test is critical and believed that it is important to have another report like HumRRO down the road. Ms. Katzman was in favor of continuing to administer the test but to delay the consequences. She also wanted to acknowledge the students who have passed the test.

Mr. Nuñez thanked all the students, organizers and presenters. He was concerned that the HumRRO report had stated some schools were not implementing state standards. The students attending the meeting were evidence that the California public schools are working. Over the months, he has been impressed by how much these students have grown. The students may be successful if they take their efforts to the Legislature. He supports the delay and is willing to consider two or three years.

President Hastings expressed concern over how long to delay the exam. He wanted to ensure that students have time to succeed. The STAR tests are not taken as seriously as the CAHSEE. A two-year delay would keep the momentum going. The question is: are schools improving fast enough? In one year, from 2002 to 2003, the fail rate on the exam was cut in half. By the time the 2006 class takes the test, there will have been still more progress on remediation. The momentum is encouraging positive change. It keeps continuity in the program. Mr. Nuñez commented that realistically the Legislature can act to delay the test.

Mr. Washington stated that the test would disproportionately affect poor and minority students. He wanted to ensure that resources go to those who need it now.

Mr. Fisher stated that the law was enacted in 1999, so schools have had several years to prepare. The math standards of the test have been set for at sixth, seventh, and some eighth grade standards. The English standards have been set for ninth and tenth grade with a reading level of seventh grade. Delaying the test for two years will keep pressure on the districts, teachers, principals, and students. He wanted to ensure a diploma means something and is not just automatic at a certain age.

- **MOTION MADE:** Ms. Tacheny moved that the State Board take the following actions in regard to the California High School Exit Examination (CAHSEE):
 - (1) In accordance with Education Code Section 60859, and having reviewed the report of the independent study of the CAHSEE, determine that standards-based instruction has not been implemented sufficiently for an examination of this nature; and

FINAL MINUTES
State Board of Education
July 9-10, 2003

- (2) Therefore, delay the date upon which each pupil completing grade 12 is required to successfully pass the CAHSEE as a condition of receiving a diploma of graduation or a condition of graduation from high school to the 2005-06 school year.

The motion was seconded by Mr. Fisher.

Mr. Rodriguez moved to amend the motion to three years. The Board discussed the amendment. President Hastings encouraged the Board members to not pass the amendment. He did not want to lose the momentum, which is most important.

- MOTION TO AMEND FAILS: Mr. Rodriguez moved to amend the main motion such that the delay would be until the 2006-07 school year (Class of 2007). Mr. Nuñez seconded the motion to amend. The motion to amend failed by a vote of 4-5. Mrs. Ichinaga, Mr. Nuñez, Mr. Rodriguez, and Mr. Washington voted in favor of the motion to amend.
- ACTION: The main motion (as made by Ms. Tacheny and seconded by Mr. Fisher) remained as originally stated: that the State Board take the following actions in regard to the California High School Exit Examination (CAHSEE):
 - (1) In accordance with Education Code Section 60859, and having reviewed the report of the independent study of the CAHSEE, determine that standards-based instruction has not been implemented sufficiently for an examination of this nature; and
 - (2) Therefore, delay the date upon which each pupil completing grade 12 is required to successfully pass the CAHSEE as a condition of receiving a diploma of graduation or a condition of graduation from high school to the 2005-06 school year.

The main motion was approved by unanimous vote of the members present.

- ACTION: Ms. Tacheny moved that, given the State Board's action to delay the effective date of the California High School Exit Examination (CAHSEE), the State Board:
 - (1) Direct staff to make provisions for a certificate of accomplishment that local education agencies (and state agencies, as applicable) may award to students who graduate from high school in the 2003-04 and 2004-05 school years and who have passed the CAHSEE, or who subsequently do pass the CAHSEE in keeping with the provisions of paragraph (2); and
 - (2) Direct staff to release a secure form of the CAHSEE that local education agencies (and state agencies, as applicable) may use only for the purpose of awarding certificates of accomplishment to students who graduate from high school in the 2003-04 and 2004-05 school years.

Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

- ACTION: Ms. Tacheny moved that the State Board request that the next biennial report on the California High School Exit Examination – to be completed by February 1, 2004, under the provisions of Education Code Section 60855 – concentrate on the progress being made in the

FINAL MINUTES
State Board of Education
July 9-10, 2003

implementation of standards-based instruction. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

President Hastings thanked the audience and stated that these were some of the most compelling and well done statements that he had heard in his three years on the Board.

Lunch Break: President Hastings called for the lunch break at 12:40 p.m. He reconvened the session at 1:54 p.m.

ITEM 7	Recognition of National Champion Academic Decathlon Team.	INFORMATION
--------	---	-------------

Superintendent O’Connell recognized Ventura County Superintendent Chuck Weis, Moorpark District Board President Mindy Yaras, District Superintendent Frank DePasquale, and Marvin Cobb, the State Coordinator of the Academic Decathlon. Mr. Weis provided background and acknowledged Coach Larry Jones. Superintendent O’Connell and President Hastings presented Certificates of Commendation to Principal Anna Merriman, Coach Larry Jones, and the members of the Moorpark High School’s 2003 Academic Decathlon Team: Adam Abed, Max Geiger, Lindsay Hebert, Paul Ideal, Nathaniel Jones, Kevin Randolph, Ashlee Scott, Grant Volk, and Tracy Yagi. Alternate members Kunal Patel, Talia Sampson, and Assistant Coach Eric Reich were also awarded Certificates of Commendation although they were not present.

President Hastings announced Item 23 would not be heard until Thursday.

ITEM 5	California High School Exit Examination (CAHSEE): Proposed Amendments to Title 5 Regulations on the CAHSEE.	INFORMATION ACTION
--------	---	--------------------

Mr. Flores provided the background on the regulations. The proposed regulations before the Board were a revision of the current regulations and were presented for approval and to start the 45-day comment period. The changes were made for clarity and consistency. Mr. Flores directed the Board’s attention to Sections 1215, 1216, and 1217 in the final version of the proposed regulations.

- **ACTION:** Mr. Nuñez moved that the State Board (1) approve the proposed California High School Exit Examination regulations, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications as may be identified by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to proceed with the 45-day public comment period in accordance with the Administrative Procedure Act; and (3) direct staff pursuant to CCR-5, Section 18460, to conduct the public hearing required by law. Mr. Rodriguez seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 6	California High School Exit Examination (CAHSEE): Discussion of Potential Changes to CAHSEE.	INFORMATION ACTION
--------	--	--------------------

Mr. Flores stated that the Board had asked staff to consider possible changes to the CAHSEE and to present other information, such as the readability level of the test. Math and reading tests are at approximately the seventh or eighth grade level. The staff also looked at changes in the blueprint for the

FINAL MINUTES
State Board of Education
July 9-10, 2003

test, including changing from a three-day to a two-day test by reducing English language arts from two days to one day and writing from two essays to one essay. Mr. Flores stated that this change will ease the administrative burden associated with the CAHSEE.

Mr. Fisher expressed reservations about making the test shorter. Mr. Flores stated that the blueprint proposal suggested elimination of questions on standards that do not lend themselves to multiple-choice questions. There is no change in the overall test reliability. Superintendent O'Connell advised that one advantage of a shorter test was that the students' results would be returned faster. Mr. Flores added that one reason for the faster return was that there would be only one essay to score.

Mr. Rodriguez asked if there was a statutory or regulatory timeline when parents and students must be provided with the results. Mr. Flores responded that the contractor has eight weeks to provide the results to the district but there is no time limit for districts to send the information along to parents and students. The Board discussed the time constraint. Ms. Belisle agreed that the Education Code provided an eight-week requirement. This is important because under the current test administration schedule, it is difficult for schools to provide remediation in preparation for the next test administration. Mr. Flores stated that the contractor had been requested to provide an electronic version of results for a faster turnaround. The Department will continue working with the contractor on this issue.

Ms. Katzman asked about resources for students who do not pass the exam. Mr. Flores stated that the Department has produced three teacher guides, the first one before the first test administration. The test blueprints are available on the Department's website. The Department has also produced remediation guides to help districts. These guides were provided to all county offices and districts. Mr. Fisher expressed concern about the consistency of the test difficulty.

In reviewing the test questions in mathematics, President Hastings found two questions out of 60 that he had concerns about. These questions were on the Grade 7 standard 1.1.

The following individuals addressed the Board:

John Affeldt, Public Advocates

Linda Kaminski, Association of California School Administrators

- **ACTION:** Mr. Nuñez moved that the State Board approve the proposed modifications in the blueprints for the California High School Exit Examination (CAHSEE) with minor modifications as noted in the discussion of the agenda item, subject to final approval of the blueprints by the Executive Director of the State Board in consultation with the testing liaisons. The motion incorporated the proposed consolidation of the English-language arts portion of the CAHSEE such that it (1) can be administered in a single day and (2) will have a single essay item. [The full CAHSEE will then take two days to administer.] Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Flores reported that the HumRRO report suggested that the Board consider a compensatory scoring model. The agenda materials reported what other states are doing and presented information on the impact of change. The Department was opposed to using the compensatory scoring. It would create

FINAL MINUTES
State Board of Education
July 9-10, 2003

technical problems for NCLB reporting. Mr. Nuñez addressed the issue of fairness. He stated people are not interested in this model.

The following individual addressed the Board:

Russlynn Ali, The Education Trust-West

- By consensus, the Board did not take action on adopting a compensatory scoring model.

ITEM 9	No Child Left Behind (NCLB) Act: Teacher requirements (“Highly Qualified Teacher”), including, but not limited to, Proposed Title 5 Regulations.	INFORMATION ACTION
--------	--	--------------------

Ms. Steentofte reported on the results of conversations with the U.S. Department of Education (USDOE) and presented the proposed regulations. The USDOE understood and was sympathetic to why California needed a transition period for teachers. The bad news is that the USDOE stated there is no authority in NCLB for a transition period.

The following individuals addressed the Board:

Shelley Kriegler, UCLA Mathematics Department

Susan Brinchman, San Diego Unified School District

Silvia DeRuvo, California Association of Resource Specialists and Special Education Teachers

Linda Kaminski, Association of California School Administrators

Russlynn Ali, The Education Trust-West

John Affeldt, Public Advocates

Michelle Gonzaba, student, Californians for Justice member

James Whitlock, Association of California School Administrators

Jose Castro, parent

President Hastings asked Ms. Steentofte about the issues raised by the speakers, including intern teachers and the transition periods. Ms. Steentofte noted that federal law and guidance states there are alternative routes. Interns have three years to complete the requirements. President Hastings noted that we have no control over the transition period due to federal law. Ms. Steentofte clarified that current teachers have until the end of the 2006 school year to meet the requirements.

Ms. Katzman acknowledged the efforts of Ms. Belisle, Ms. Steentofte, and the California Commission on Teacher Credentialing on this issue. She also thanked the Association of California School Administrators for their support.

- ACTION: Mr. Nuñez moved that the State Board (1) approve the proposed regulations for the No Child Left Behind (NCLB) teacher requirements and the associated Initial Statement of Reasons; (2) direct staff to commence the 45-day public comment period in accordance with the Administrative Procedure Act; and (3) direct staff pursuant to CCR-5, Section 18460, to conduct the public hearing required by law. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
July 9-10, 2003

Ms. Belisle announced that she and Margaret Fortune, Chair of the Commission on Teacher Credentialing, had met with Senator Vasconcellos and Assembly Member Goldberg’s staff to inform them of the progress on the Highly Qualified Teacher issue.

ITEM 8	No Child Left Behind: Including, but not limited to, update on accountability workbook, consolidated application, and Reading First.	INFORMATION ACTION
--------	--	--------------------

President Hastings announced that Items 24 and 25 would be heard at 5:00 p.m.

Camille Maben, NCLB Coordinator, distributed a letter from the USDOE, dated July 1, 2003, concerning California’s accountability workbook. She reported that there is still one outstanding issue – the single accountability system. The approved workbook did state that there would be a two-year process for us to address these issues. Ms. Maben presented the plan for district level accountability, including program improvement for districts. Ms. Maben announced that a Department “rollout” video was being filmed the next day and would be going out to county offices and school districts shortly. The cast includes President Hastings, Ms. Belisle, Superintendent O’Connell, Mr. Weis, and Department staff.

The following individuals addressed the Board:

- Denis O’Leary, League of United Latin American Citizens
- Pete Farruggio, California Association for Bilingual Education
- Sue Sheridan, California Association of Resource Specialists and Special Education Teachers
- Dennis Doyle, Superintendent, Chula Vista Elementary School District
- Miriam Warren, California Association for Bilingual Education

No action was taken on this item.

ITEM 10	Report to the United States Department of Education (USDOE) of baseline data to reflect performance indicators listed in Goal #3 – Highly Qualified Teachers, Qualified Paraprofessionals, and High-Quality Professional Development – of the consolidated application for No Child Left Behind (NCLB).	INFORMATION ACTION
---------	---	--------------------

Bill Vasey, Professional Development and Curriculum Leadership Division, requested approval of the concept in the proposal for submitting data on Highly Qualified Teachers, Qualified Paraprofessionals, and Highly Qualified Professional Development. Ms. Katzman asked why Option 1 was recommended instead of Option 3, which bought more time for districts to comply with NCLB to implement and validate the tests. Mr. Vasey indicated that Department staff had concluded that two years is sufficient time for districts.

- ACTION: Mr. Washington moved that the State Board approve the submission of baseline data and annual measurable objectives for Highly Qualified Teachers, High-Quality Professional Development, and Qualified Paraprofessionals to the United States Department of Education, as recommended by staff, subject to any necessary modifications made with the approval of the Executive Director of the State Board in consultation with the No Child Left Behind (NCLB)

FINAL MINUTES
State Board of Education
July 9-10, 2003

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

ITEM 11	Approval of Local Educational Agency (LEA) Plans required by Title I, Section 1112 of No Child Left Behind Act of 2001.	INFORMATION ACTION
---------	---	--------------------

Larry Jaurequi, Specialized Programs Division, thanked the participants in the LEA plan review process. It was a collaborative effort within the Department with each plan having been read by multiple readers.

Mr. Jaurequi informed the Board that a total of 645 plans were presented for full approval. Provisional approval is requested for 395 plans that were missing one or two items and had technical problems that were minor in nature. The deadline for the submittal of missing material is August 29, 2003. Once the material is provided, those LEAs will have full approval.

The following individuals addressed the Board:

- Mitz Lee, parent, San Diego Unified School District
- William Penick, parent, San Diego Unified School District
- Susan Brinchman, teacher, San Diego City School District
- Thekima Mayasá-Hailey, parent, San Diego Unified School District

Ms. Katzman addressed the serious allegations of the speakers against the San Diego Unified School District. She has heard a different story from officials of San Diego with whom she has met. Superintendent Alan Bersin would be attending the Thursday meeting. Ms. Katzman recommended putting the item off until then. Mr. Nuñez explained that the problems are an issue of local decisions. Bad decisions have been made but they have the right to make those bad decisions. The Board should not get involved in these issues. Ms. Katzman withdrew her request for moving the item to Thursday.

- ACTION: Mr. Fisher moved that the State Board approve the staff recommendations for full approvals and provisional approvals of local education agency plans required under Title I of the No Child Left Behind (NCLB) Act. Ms. Tacheney seconded the motion. The motion was approved by a vote of 6-2-1. Mrs. Ichinaga and Mr. Washington voted against the motion. Ms. Lee did not vote on the motion.

ITEM 12	Approval of Supplemental Educational Service Providers required by Title I, Section 1116(e) of No Child Left Behind Act of 2001.	INFORMATION ACTION
---------	--	--------------------

Mr. Jaurequi reported that 80 applicants were recommended for approval. Ms. Belisle noted the number of school districts on this list. By 2004-2005 we will have identified school districts in program improvement and those program improvement districts can no longer provide supplemental services under No Child Left Behind.

- ACTION: Mr. Washington moved that the State Board approve for inclusion on the 2003-04 list of Supplemental Educational Services Providers the applicants recommended by staff in the supplemental memorandum for this item. Ms. Katzman seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
July 9-10, 2003

•

ITEM 13	The California Mathematics and Science Partnership (CAMSP) Program authorized by No Child Left Behind (NCLB) Title II, Part B.	ACTION
---------	--	--------

Mr. Vasey reported on this item.

- ACTION: Ms. Katzman moved that the State Board approve the release of a Request for Application to implement California Mathematics and Science Partnership grant program with minor corrections. The final RFA is to be signed off by the Executive Director of the State Board in consultation, as may be necessary, with the No Child Left Behind (NCLB) liaisons. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 14	No Child Left Behind (NCLB) Title III Achievement Objectives and Accountability Requirements.	INFORMATION ACTION
---------	---	--------------------

Jan Mayer, Language Policy and Leadership Office, reported on the final recommendations for the Title III Annual Measurable Achievement Objectives (AMAOs). She reminded the Board that this item was discussed in detail at the June meeting and provided brief highlights of the material.

The following individual addressed the Board:
Samantha Dobbins, California School Boards Association

- ACTION: Mr. Nuñez moved that the State Board approve the staff recommendations related to Title III Annual Measurable Achievement Objectives. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 15	No Child Left Behind (NCLB): Title IX, Persistently Dangerous Schools.	ACTION
---------	--	--------

President Hastings stated that it was a difficult struggle to come up with the definition of Persistently Dangerous Schools. One issue was to determine the intended meaning of “persistently.” As it turned out, no schools have met the definition for persistently dangerous for three consecutive years.

Wade Brynelson, Learning Support and Partnerships Division, reported that no California K-12 schools have met the definition of Persistently Dangerous Schools. There are still 186 LEAs that have not reported their data. Mr. Fisher questioned if any schools were in the one-to-two year range. Mr. Brynelson stated 13 schools were identified as one year and another 13 schools were identified as two year.

Mr. Brynelson stated that the Department would like the Board to delegate to the Department the ministerial act of, with the oversight of the NCLB Liaisons, identifying persistently dangerous schools in the remaining LEAs. Under NCLB, there is no discretion on conferring this status of school.

Mr. Rodriguez voiced his concern about disincentives for schools to report violence data, and about including assault and battery as one of the criteria. President Hastings stated that districts take reducing

FINAL MINUTES
State Board of Education
July 9-10, 2003

violence seriously. There is nothing the Board is able to do about self-reporting. President Hastings requested that Mr. Brynelson bring up to the committee the definition of assault and battery to see if there is a possibility of eliminating that provision.

Mr. Nuñez remarked that most schools are safe places to be. He stated that our first definition was rejected by the USDOE. Mr. Nuñez commented that he was sure this issue would be back at the September meeting.

Mr. Washington asked Ms. Belisle if there was a consequence for not reporting data. Ms. Belisle stated the law is set up as self-reporting. She and President Hastings did not have any suggestions on how to get around that. Ms. Belisle remarked that the suggestion that the Department staff to go back to the panel is a good one.

- ACTION: Mr. Washington moved that the State Board (1) recognize that no schools are known to meet the qualifications for designation as persistently dangerous schools at this time, but that 186 local education agencies have yet to report the information necessary to determine whether any of their schools qualify for designation as persistently dangerous schools; and (2) for a period of 90 days, delegate authority to CDE staff, with the oversight of the Executive Director of the State Board and the No Child Left Behind (NCLB) liaisons, to designate as persistently dangerous schools any schools that are determined to meet the qualifications for that designation based upon information reported after the July State Board meeting. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 16	Federal Waiver – Safe and Drug Free School Innovative Programs Under NCLB.	ACTION
---------	--	--------

Mr. Brynelson reported on this item.

- ACTION: Mr. Nuñez moved that the State Board adopt the proposed policy to review future No Child Left Behind (NCLB) Title IV waivers of the requirement to implement programs that are scientifically based submitted by local education agencies that are requesting funding to implement programs that are innovative and have a substantial likelihood of success. Ms. Lee seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 24	Instructional Materials Review Process.	INFORMATION
---------	---	-------------

The following individual addressed the Board:
Maria Quezada, California Association for Bilingual Education
No action was taken on this information item.

ITEM 25	Changes to English Language Development Guide in SRA/McGraw Hill’s <i>SRA/Open Court Reading 2002</i> .	INFORMATION ACTION
---------	---	-----------------------

President Hastings announced that in his three years on the Board, this is the single most disturbing example of institutional racism he has witnessed. It should be viewed as on the level of the drug-

FINAL MINUTES
State Board of Education
July 9-10, 2003

poisoning incidents. He stated the publisher should recall all the materials within six months and replace them at no cost. To do otherwise would be to endorse the materials. Superintendent O'Connell questioned the six-month timeframe. Ms. Belisle suggested that the publisher immediately send out replacement pages so the offensive material can be removed now and the complete revision of the guide can be done within the six months. President Hastings stated that this initial replacement should be completed within weeks.

Mr. Rodriguez commented that the publisher had been very open to his concerns. He recommended that the entire guide be reviewed to ensure it is within legal compliance. Mr. Rodriguez requested SRA/McGraw Hill recall the teacher guides, replace them with new guides at no cost within six months, and immediately send out the replacement pages for the first section.

Mr. Washington stated that this is very serious. He questioned how to keep this from happening in the future. President Hastings believes there will not be such future mistakes if the textbook publishers have to recall the books and provide new ones at their expense. This is a clear message to all publishers. Ms. Belisle stated that text reviewers in the future would be more thoroughly trained in legal and social compliance to identify such unacceptable language.

The following individuals addressed the Board:

Guillermo Terrazas, League of United Latin American Citizens
Maria Quezada, California Association for Bilingual Education
Elizabeth Fralicks, Fresno Unified School District
Denis O'Leary, League of United Latin American Citizens

Ruth Cochrane, SRA/McGraw Hill, addressed the Board. She agreed to recall the materials and expressed commitment to doing everything possible to revise the teacher support guide immediately. She explained that a development house had been hired to write this material but she assumed responsibility. Mr. Rodriguez requested Ms. Cochrane to meet with members from the League of United Latin American Citizens and the California Association for Bilingual Education in this process. Ms. Tacheny asked if the people who wrote the support guide were also the people who wrote the main textbook. Ms. Cochrane replied that they were not.

- ACTION: In response to the egregiously erroneous references found to have been included in the front matter of the English Language Development (ELD) Guides (for each grade level) in SRA/McGraw Hill's *Open Court Reading*, Mr. Rodriguez moved that the State Board take the following actions:
 - (1) Demand that SRA/McGraw Hill conduct a "product recall" of the ELD Guides, replacing them with new guides that have been reviewed and approved both with respect to content and with respect to legal and social compliance. The replacement guides are to be printed and delivered to individual schools (or, where site-level delivery is not possible, to local education agencies), and the existing ELD Guides are to be collected and removed, at no cost to affected local education agencies.

FINAL MINUTES
State Board of Education
July 9-10, 2003

- (2) In the interim, demand that SRA/McGraw Hill immediately (i.e., within the next several weeks) prepare “inserts” for the existing ELD Guides addressing the egregiously erroneous references. The inserts are to be prepared by the publisher and, prior to printing, approved by the Executive Director of the State Board in consultation with the curriculum liaison designated by the State Board President for this purpose. The inserts are then to be printed and delivered to individual schools (or, where site-level delivery is not possible, to local education agencies), along with instructions to attach them to the existing ELD Guides, at no cost to affected local education agencies.
- (3) Demand that SRA/McGraw Hill involve a diverse group of content experts in the preparation of the replacement guides (in keeping with the discussion at the meeting). Prior to printing, the replacement guides are to be approved by the Executive Director of the State Board in consultation with the curriculum liaison designated by the State Board President. It is the intent of the State Board that the replacement guides be thoroughly reviewed for content and for legal and social compliance in a manner consistent with the scrutiny given new instructional materials submitted for adoption.
- (4) Express the intent to consider removing SRA/McGraw Hill’s *Open Court Reading* from the list of adopted instructional materials if the publisher does not comply with the above-specified demands.

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

Mr. Rodriguez clarified that the new teacher guides will not be available until a complete guide has been reviewed. Ms. Belisle stated that the offensive materials would be immediately replaced and that a joint letter would go out announcing the replacement, pending this long-term process of a new guide that would take about six months.

Adjournment of Day’s Session

President Hastings announced that the Closed Session would begin on Thursday at 8:00 a.m. He adjourned the day’s session at 5:34 p.m.