Agenda--November 12-13, 2003

California State Board of Education (SBE) meeting agenda.

FULL BOARD
Public Session

AGENDA

November 12-13, 2003

All Items within the Agenda are Portable Document Format (PDF) Files. And you'll need Adobe Acrobat Reader to open them.

Schedule of Meeting and Closed Session Agenda (PDF; 129KB; 4pp.)

Wednesday, November 12, 2003 - 9:00 a.m.± (Upon adjournment of Closed Session if held)

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

- Call to Order
- Salute to the Flag
- Approval of Minutes (September 2003 Meeting)
- Announcements
- Communications

REPORT OF THE SUPERINTENDENT

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1 (PDF; 25KB; 4pp.)	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
ITEM 2 (PDF; 11KB; 1p.)	PUBLIC COMMENT. Public Comment is invited on any matter not 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
ITEM 3 (PDF; 11KB; 1p.)	Report on Student Advisory Board on Education.	INFORMATION
ITEM 4 (PDF; 20KB; 2pp.)	Standardized Testing and Reporting (STAR) Program - Release of 10 percent of Contract Costs to Educational Testing Service (ETS) for 2002-2003 Content Standards Test (CST) and California Achievement Test (CAT/6) STAR Contract.	INFORMATION ACTION

ITEM 5 (PDF; 19KB; 3pp.)	Standardized Testing and Reporting (STAR) Program - Including, but not limited to, Release of 10 percent of Contract Costs to CTB/McGraw-Hill for 2002-2003 Spanish Assessment of Basic Education (SABE/2) STAR Contract.	INFORMATION ACTION
ITEM 6 (PDF; 509KB; 3pp.)	Standardized Testing and Reporting (STAR) Program: Update on 2004 STAR California Standards Test (CST) and California Achievement Test, Sixth Edition (CAT/6) Parent Report. • Last Minute (Blue; PDF; 1MB; 5pp.)	INFORMATION ACTION
ITEM 7 (PDF; 17KB; 1p.)	Standardized Testing and Reporting (STAR) Program - Update on 2004 STAR California Alternate Performance Assessment (CAPA) Parent Report. • Last Minute (Blue; PDF; 522KB; 3pp.)	INFORMATION ACTION
ITEM 8 (PDF; 73KB; 15pp.)	California Assessment System: Test Item Release Plan for the California Standards Tests (CSTs), the California High School Exit Examination (CAHSEE), and the California Alternate Performance Assessment (CAPA). • Last Minute (Blue; PDF; 193KB; 20pp.)	INFORMATION ACTION
ITEM 9 (PDF; 26KB; 4pp.)	Golden State Seal Merit Diploma: Eligibility Requirements.	INFORMATION ACTION
ITEM 10 (PDF; 67KB; 15pp.)	Standardized Testing and Reporting (STAR) Program - Adoption of Amended Title 5 STAR Regulations. • Last Minute (Blue; PDF; 95KB; 3pp.)	INFORMATION ACTION
ITEM 11 (PDF; 12KB; 1p.)	2004-05 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists. • Last Minute (Blue; PDF; 115KB; 2pp.)	INFORMATION ACTION
ITEM 12 (PDF; 12KB; 1p.)	Screening Committee review of applications and selection of applicants to be interviewed for appointment to the Curriculum Development and Supplemental Materials Commission. • Last Minute (Blue; PDF; 104KB; 5pp.)	INFORMATION ACTION
ITEM 13	*No Child Left Behind (NCLB) Act of 2001* : Includes, but not limited to, update on	INFORMATION

(PDF; 26KB; 4pp.)	Consolidated State Application.	ACTION
ITEM 14 (PDF; 11KB; 1p.)	*No Child Left Behind Act of 2001:* Local Educational Agency Plans required by Section 1112. • Last Minute (Blue; PDF; 156KB; 4pp.)	INFORMATION ACTION
ITEM 15 (PDF; 20KB; 11pp.)	*No Child Left Behind Act of 2001:* Approve Supplemental Educational Service Providers (required by Title 1, Section 1116(e)). • Last Minute (Blue; PDF; 190KB; 13pp.)	INFORMATION ACTION
ITEM 16 (PDF; 46KB; 11pp.)	*No Child Left Behind Act of 200:* Teacher Requirements ("Highly Qualified Teacher") - Including, but not limited to, Adoption of Proposed Title 5 Regulations.	INFORMATION ACTION
ITEM 17 (PDF; 28KB; 7pp.)	Reading First Program - Including, but not limited to, approval of proposed amendment to the California Reading First Plan pursuant to Chapter 773, Statutes of 2003 (AB 1485).	INFORMATION ACTION
ITEM 18 (PDF; 43KB; 10pp.)	California High School Exit Examination (CAHSEE): Update on CAHSEE activities, including, but not be limited to, the Year 4 Independent Evaluation Report and 2002-2003 test results.	INFORMATION ACTION
ITEM 19 (PDF; 38KB; 8pp.)	California High School Exit Examination (CAHSEE): Re-Evaluation of the CAHSEE Passing Score.	INFORMATION ACTION
ITEM 20 (PDF; 19KB; 20pp.)	California High School Exit Examination (CAHSEE): Approval of District Apportionment for the 2003-2004.	INFORMATION ACTION
ITEM 21 (PDF; 16KB; 2pp.)	California English Language Development Test (CELDT) Update: Including, but not limited to, 2002-03 Initial Identification Results. • Last Minute (Blue; PDF; 112KB; 5pp.)	INFORMATION ACTION
ITEM 22	Academic Performance Index (API): Report on Growth for 2002-03.	INFORMATION

(PDF; 29KB; 7pp.)		
ITEM 23 (PDF; 35KB; 6pp.)	Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth. • Last Minute (Blue; PDF; 715KB; 18pp.)	INFORMATION ACTION
ITEM 24 (PDF; 15KB; 2pp.)	Immediate Intervention/Underperforming Schools Program (II/USP): Schools Assistance and Intervention Team (SAIT): Expenditure plan to support activities and corrective action in non-Title I "state-monitored" schools.	INFORMATION ACTION
ITEM 25 (PDF; 90KB; 28pp.)	Model Application for Charter Schools.	ACTION
ITEM 26 (PDF; 80KB; 28pp.)	Assembly Bill 1994 Programmatic Implementation: Approve Commencement of the Rulemaking Process for Amendments to Title 5. • Last Minute (Blue; PDF; 447KB; 11pp.)	ACTION
ITEM 27 (PDF; 30KB; 28pp.)	Funding for Countywide Charter Schools (Assembly Bill 1994): Approve Commencement of the Rulemaking Process for Amendments to Title 5. • Last Minute (Blue; PDF; 342KB; 11pp.)	ACTION
ITEM 28 (PDF; 76KB; 21pp.)	Request by the Academy of Culture and Technology (ACT) to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	INFORMATION ACTION

*** PUBLIC HEARINGS***

Public Hearings on each of the following agenda items will commence no earlier than 3:00 p.m. The Public Hearings will be held after 3:00 p.m. as the business of the State Board permits

ITEM 29 (PDF; 13KB; 2pp.)	Request by the Leadership Public School - San Rafael (LPSSR) to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education. • Last Minute (Blue; PDF; 132KB; 13pp.)	INFORMATION ACTION PUBLIC HEARING

ITEM 30 (PDF; 13KB; 2pp.)	Request by The Global School to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	INFORMATION ACTION PUBLIC HEARING

*** END OF PUBLIC HEARINGS ***

ITEM 31 (PDF; 33KB; 7pp.)	Legislative Update: Including, but not limited to, information on legislation and legislative priorities.	INFORMATION ACTION
ITEM 32 (PDF; 14KB; 9pp.)	Assignment of Numbers for Charter School Petitions. • Last Minute (Blue; PDF; 69KB; 2pp.)	ACTION
ITEM 33 (PDF; 43KB; 9pp.)	2002-03 (and beyond) 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, California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive: Retroactive approval.	ACTION
ITEM 34 (PDF; 19KB; 4pp.)	The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding.	ACTION
ITEM 35 (PDF; 14KB; 4pp.)	The Principal Training Program (AB 75): Approval of Training Providers. • Last Minute (Blue; PDF; 101KB; 3pp.)	ACTION
ITEM 36 (PDF; 13KB; 3pp.)	The Principal Training Program (AB 75): Approval of California Department of Education Module 1: Leadership and Support of Student Instructional Programs High School Level; Day 1 and Day 5 training curriculum.	ACTION
ITEM 37 (PDF; 55KB; 6pp.)	Mathematics and Reading Professional Development Program (AB 466): Approval of Requests for Local Educational Agencies (LEA) Reimbursement for the 2003-04 Fiscal Year.	ACTION
ITEM 38 (PDF; 12KB;	Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but not limited to, Approval of Training Providers and Training Curricula.	ACTION

1p.)

ITEM 39 (PDF; 23KB; 3pp.)	High Priority Schools Grant Program: Approval of 12 New High Priority Schools Implementation Grant Awards.	ACTION

ITEM 40 (PDF; 110KB; 36pp.)	Gifted and Talented Education (GATE): Approval of LEA Applications for Funding.	ACTION

ITEM 41 (PDF; 11KB; 1p.)	Title 1 Committee of Practitioners: Approval of Appointments. • Last Minute (Blue; PDF; 139KB; 4pp.)	INFORMATION ACTION

ITEM 42 (PDF; 22KB; 2pp.)	Appointments to Child Nutrition Advisory Council (Child Nutrition and Physical Activity Advisory Council).	INFORMATION ACTION

ITEM 43 (PDF; 23KB; 2pp.)	Appointments to Advisory Commission on Charter Schools.	INFORMATION ACTION

ADJOURNMENT OF DAY'S SESSION

Thursday, November 13, 2003 - 8:00 a.m.± (Upon adjournment of Closed Session if held)

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

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

SPECIAL PRESENTATIONS
Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEMS DEFERRED FROM PRECEDING DAY
Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items.

ITEM 44 (PDF; 21KB; 3pp.)	2004 Health Primary Adoption of Instructional Materials: Revised Timeline.	ACTION

ITEM 45	2005 History-Social Science Primary Adoption Timeline.	ACTION

(PDF; 21KB; 3pp.)

*** PUBLIC HEARINGS***

Public Hearings on the following agenda items will commence no earlier than 9:00 a.m. The Public Hearings will be held after 9:00 a.m. as the business of the State Board permits

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ITEM 46 (PDF; 167KB; 53pp.)	2003 Foreign Language Primary Adoption of Instructional Materials: Curriculum Commission Recommendations. • Last Minute (Blue; PDF; 155KB; 2pp.)	ACTION PUBLIC HEARING

*** END OF PUBLIC HEARINGS ***

ITEM 47 (PDF; 21KB; 3pp.)	English Language Development Guide for SRA Open Court 2002.	INFORMATION

ITEM 48 (PDF; 16KB; 3pp.)	Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST).	INFORMATION

ITEM 49 (PDF; 11KB; 1p.)	National Assessment of Educational Progress (NAEP): 2003 Data Release. • Last Minute (Blue; PDF; 182KB; 18pp.)	INFORMATION

ITEM 50 (PDF; 13KB; 2pp.)	Report of 2003 Physical Fitness Test (PFT) Statewide Test Results. • Last Minute (Blue; PDF; 164KB; 11pp.)	INFORMATION

WAIVER REQUESTS

CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

CARL D. PERKINS VOCATIONAL & APPLIED TECHNOLOGY EDUCATION ACT

ITEM WC-1	Request by Waterford Unified School District for a waiver of Section 131 (d)(1) of	ACTION

(PDF; 9KB; 1p.)	the Carl D. Perkins Vocational and Applied Technology Education Act of 1998. (Public Law 105-332) CDSIS-5-9-2003 (Recommended for APPROVAL)	

ITEM WC-2 (PDF; 10KB; 1p.)	Request by Silver Valley Unified School District for a waiver of Section 131 (d)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act of 1998. (Public Law 105-332) CDSIS-7-9-2003 (Recommended for APPROVAL)	ACTION

FEDERAL WAIVER

ITEM WC-3 (PDF; 13KB; 2pp.)	Request by Anaheim City School District to waive Title IV, Part A, Section 4115 (a)(1)(C) to use Safe and Drug Free Schools and Communities (SDFSC) funds to support the cost of You Can Do It ! Education , a program to help children achieve to the best of their ability. CDSIS-Fed-03-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

ITEM WC-4 (PDF; 13KB; 2pp.)	Request by Redondo Beach 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 Hooked on Health a kindergarten through sixth grade health education program. CDSIS-Fed-04-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-5 (PDF; 19KB; 2pp.)	Request by two school districts for a retroactive waiver of ***Education Code*** (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places. CDSIS-14-7-2003 Turlock Joint Elementary SD CDSIS- 5-8-2003 Woodville Union SD (Recommended for APPROVAL)	ACTION

REGIONAL OCCUPATIONAL CENTER

ITEM WC-6 (PDF; 12KB; 2pp.)	Request by the San Antonio Regional Occupational Program to waive *Education Code* (EC) Section 52314.6 regarding the 3% limit on enrollment of students under the age of 16, in the Regional Occupational Program (ROP) (increase the number of 9th and 10th grade students from 3% to 10%). CDSIS-6-9-2003 (Recommended for APPROVAL WITH CONDITIONS) *Education Code* (EC) Section 33051(c) will apply	ACTION

SCHOOL IMPROVEMENT FUNDS (equalization)

ITEM WC-7 (PDF; 8KB; 2pp.)	Request by the Capistrano Unified School District to waive *Education Code* (EC) Section 62002 (sunset provision) and 52046(b)(3) in order to share and coordinate the use of School Improvement funds between San Clemente High School and five other high schools in the district. CDSIS-1-8-2003 (Recommended for APPROVAL)	ACTION

SCHOOL SITE COUNCIL

ITEM WC-8 (PDF; 11KB; 1p.)	Request by the Igo-Ono-Platina Union Elementary School District for a waiver of *Education Code* (EC) Section 52852, allowing one joint school site council to function for two small elementary schools. CDSIS-8-8-2003 Recommended for APPROVAL	ACTION

NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

COMMUNITY DAY SCHOOL (co-location)

ITEM W-1 (PDF; 12KB; 2pp.)	Request by the Dixon Unified School District for a waiver of *Education Code* (EC) Section 48661(a) relating to the placement of a community day school on the same site as a continuation high school. CDSIS-9-8-2003 (Recommended for APPROVAL WITH CONDITIONS) • Last Minute (Blue; PDF; 89KB; 1pp.)	ACTION

EQUITY LENGTH OF TIME

ITEM W-2 (PDF; 10KB; 2pp.)	Request by Pioneer Union School District for a renewal waiver of *Education Code* (EC) Section 37202, equity length of time requirement, to allow a half-year full day kindergarten program at Grizzly Pines Elementary School. CDSIS-19-7-2003 (Recommended for APPROVAL WITH CONDITIONS) *Education Code* (EC) Section 33051(c) will apply	ACTION

ITEM W-3 (PDF; 9KB; 2pp.)	Request by Fresno Unified School District for a renewal waiver of *Education Code* (EC) Section 37202, equity length of time requirement to allow a full day kindergarten pilot program at Burroughs, Greenberg and Winchell Elementary Schools. CDSIS-3-9-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

EXTENDED SCHOOL YEAR (SPECIAL EDUCATION)

ITEM W-4 (PDF; 11KB; 2pp.)	Request by Anaheim City School District for a renewal to waive *Title 5, California Code of Regulations, Section 3043(d)* requiring 20 school days (4 hours each) of attendance for extended school year for Special Education students. CDSIS-9-8-2003 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

FEDERAL WAIVERS - SAFE AND DRUG FREE

ITEM W-5 (PDF; 13KB; 2pp.)	Request by Magnolia 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, a kindergarten through sixth grade prevention program. CDSIS-Fed-05-2003 (Recommended for DENIAL)	ACTION
ITEM W-6 (PDF; 36KB; 2pp.)	Request by Placentia-Yorba Linda 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 a kindergarten through sixth grade prevention program. CDSIS-Fed-06-2003 (Recommended for DENIAL)	ACTION

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-7 (PDF; 12KB; 2pp.)	Request by Franklin Elementary School District for a retroactive waiver of *Education Code* (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2000-2001 that although the public hearing was held, the district failed to pass a resolution. This is the second year in a row for this district as they had the same audit finding in fiscal year 2001-2002. CDSIS-9-7-2003 (Recommended for APPROVAL)	ACTION
ITEM W-8 (PDF; 12KB; 2pp.)	Request by Elk Hills School District for a retroactive waiver of *Education Code* (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 that they failed to hold the public hearing and make a resolution. A subsequent 2002-2003 resolution revealed an insufficiency of textbooks. CDSIS-34-2-2003 (Approval for Recommendation with CONDITIONS)	ACTION

INSTRUCTIONAL MATERIALS (Schiff-Bustamante)

ITEM W-9 (PDF; 16KB;	General waiver request of *Education Code* (EC) Sections 60450 (b) and 60451(b) - Schiff-Bustamante Standards-Based Instructional Materials Program by Palo Alto Unified School District to purchase non-adopted Instructional Resources (*FOSS,*	ACTION

3pp.) *Grades K-5, California Edition)* using Schiff-Bustamante fund.
CDSIS-37-5-2003
(Recommended for PROVISIONAL APPROVAL)

INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)

ITEM W-10 (PDF; 10KB; 2pp.)	Petition request under *Education Code* (EC) Sections 60241(d) and 60200(g) to waive Education Code (EC) Section 60242(a)(1) and 60422(a) by Ontario-Montclair School District to purchase Instructional Resources (*Success For All K-1*), for Central, Del Norte, Lincoln and Moreno Elementary Schools under the Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-29-5-2003 (Pending review of materials by a member of the Curriculum Commission) • Last Minute (Blue; PDF; 93KB; 3pp.)	ACTION

ITEM W-11 (PDF; 9KB; 2pp.)	Petition request under *Education Code* (EC) Sections 60241(d) and 60200(g) to waive Education Code (EC) Section 60242(a)(1) and 60422(a) by Oakley Union School District to purchase Instructional Resources (*Success For All K-1, edition 2*), for Gehringer Elementary School with Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-52-5-2003 (Pending review of materials by a member of the Curriculum Commission) • Last Minute (Blue; PDF; 93KB; 3pp.)	ACTION

ITEM W-12 (PDF; 9KB; 2pp.)	Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) Section 60242(a)(1) and 60422(a) by Edison Charter Academy to purchase non-adopted Instructional Resources (*Success For all K-5*) using Instructional Materials Funding Realignment Program (IMFRP) monies. CDSIS-7-6-2003 (Pending review of materials by a member of the Curriculum Commission) • Last Minute (Blue; PDF; 93KB; 3pp.)	ACTION

Ninth GRADE CLASS SIZE REDUCTION (Morgan-Hart)

ITEM W-13 (PDF; 13KB; 2pp.)	Request by Long Beach Unified School District to waive *Education Code* (EC) Section 52084 (b) and 52086 (a) under the Morgan-Hart Class Size Reduction Act to permit targeted students to receive intensive instruction through a full year two period core English and/or math course staffed at a 20 to 1 ratio. CDSIS-2-9-2003 (Recommended for APPROVAL WITH CONDITIONS) • Last Minute (Blue; PDF; 63KB; 1p.)	ACTION

END OF WAIVER REQUESTS

ADJOURNMENT OF MEETING

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, Ca, 95814; telephone 916-319-0827; fax 916-319-0175. To be added to the speaker's list, please fax or mail your written request to the above referenced address/fax number. This agenda is posted on the State Board of Education's Web site [http://www.cde.ca.gov/be/].

Questions: State Board of Education | 916-319-0827

Last Reviewed: Monday, November 21, 2011

CALIFORNIA STATE BOARD OF EDUCATION

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Hon. Jack O'Connell

Executive Director
Rae Belisle

AGENDA

November 12-13, 2003

SCHEDULE OF MEETING

Wednesday, November 12, 2003
9:00 a.m. ±
STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

LOCATION

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Acevedo, et al. v. State of California, et al*., Sacramento County Superior Court, Case No. 03CS00827
- *Adkins, et al*. v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00938
- *Aguayo, et al. v. State of California, et al*., Sacramento County Superior Court, Case No. 03CS00825
- *Amy* v. *California Dept. of Education, et al.,* Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al.,* v. *San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *Buckle, et al. v. State of California, et al*., Sacramento County Superior Court, Case No 03CS00826
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al.,* v. *San Francisco Unified School District, et al.,* San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education* v. *Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Californians for Justice Education Fund, et al. v. State Board of Education, S*an Francisco City/County Superior Court, Case No. CPF-03-50227

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

- *Campbell Union High School District, et al.* v. *State Board of Education, et al.,* Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al.* v. *California Department of Education, et al.,* United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom* v. *State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems* v. *State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia* v. *Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford* v. *Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al.* v. *Wilson,* United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al.* v. *State of California, et al.,* Los Angeles Superior Court, Case No. BC214156.
- *Donald Urista, et al.* v. *Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 00CS00798
- *Emma C., et al.* v. *Delaine Eastin, et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc. et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079
- *Ephorm, et al.* v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC013485
- *Larry P.* v. *Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al.* v. *State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al.* v. *California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil* v. *State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen, et al.* v. *Grossmont Unified School District, et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al*., Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmino, et al*. v. *California State Board of Education, et al.*, San Francisco City/County Superior Court, Case No. CPF-03-502554
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al.,* v. *Delaine Eastin, State Superintendent of Public Instruction, et al*., Los Angles County Superior Court, Case No. BC174282
- *San Francisco NAACP* v. *San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al.,* v. *State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District* v. *State Board of Education, et al.,* Sacramento County Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al.* v. *Wilson, et al.,* United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V.* v. *Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al.*, v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC014071
- *Williams, et al.* v. *State of California, et al.,* San Francisco Superior Court, Case No. 312236
- *Wilson, et al.* v. *State Board of Education, et al.,* Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

California State Board of Education
AGENDA.....November 12-13, 2003

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Wednesday, November 12, 2003
9:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, November 13, 2003
8:00 a.m. ±
STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, November 13, 2003
8:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, CA 95814
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

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ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

CALIFORNIA STATE BOARD OF EDUCATION

State Board Members

Reed Hastings, President
Joe Nuñez, Vice President

Ruth Bloom
Don Fisher
Brent Godfrey
Ruth Green
Nancy Ichinaga
Glee Johnson
Jeannine Martineau
Bonnie Reiss
Suzanne Tacheny
Johnathan Williams

Secretary & Executive Officer
Hon. Jack O'Connell

Executive Director
Rae Belisle

AGENDA

March 10-11, 2004

SCHEDULE OF MEETING

Wednesday, March 10, 2004
9:00 a.m. ±
STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

LOCATION

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Acevedo, et al. v. State of California, et al*., Sacramento County Superior Court, Case No. 03CS00827
- *Adkins, et al*. v. State of California, et al., Sacramento County Superior Court, Case No. 03CS00938
- *Aguayo, et al. v. State of California, et al*., Sacramento County Superior Court, Case No. 03CS00825
- *Amy* v. *California Dept. of Education, et al.,* Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al.,* v. *San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *Buckle, et al. v. State of California, et al*., Sacramento County Superior Court, Case No 03CS00826
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al.,* v. *San Francisco Unified School District, et al.,* San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education* v. *Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal

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- *Californians for Justice Education Fund, et al. v. State Board of Education,* San Francisco City/County Superior Court, Case No. CPF-03-50227
- *Campbell Union High School District, et al.* v. *State Board of Education, et al.,* Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al. v. California Department of Education, et al.,* Alameda County Superior Court, Case No. 2002-049636
- *Chapman, et al.* v. *California Department of Education, et al.,* United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom* v. *State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems* v. *State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia* v. *Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford* v. *Honig*, United States District Court, Northern District of California, Case No. C-89-0014 DLJ
- *CTA, et al.* v. *Wilson,* United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al.* v. *State of California, et al.,* Los Angeles Superior Court, Case No. BC214156.
- *Donald Urista, et al.* v. *Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Dutton v. State of California, et al*. Sacramento County Superior Court, Case No. 03CS01723
- *Educational Ideas, Inc.* v. *State of California, et al.,* Sacramento County Superior Court, Case No. 00CS00798
- *Emma C., et al.* v. *Delaine Eastin, et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *EMS-BP, LLC, Options for Youth Burbank, Inc*. *et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 / 03CS01079
- *Ephorm, et al.* v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC013485
- *Grant Joint Union High School District v. California State Board of Education, et al*. Sacramento County Superior Court, Case No. 03 CS 01087
- *Larry P.* v. *Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maureen Burch, et al.* v. *California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil* v. *State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen, et al.* v. *Grossmont Unified School District, et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al*., Superior Court of San Francisco, Case No. CGC-02-406738
- *Pazmiño, et al*. v. *California State Board of Education, et al.*, San Francisco City/County Superior Court, Case No. CPF-03-502554
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Roxanne Serna, et al.,* v. *Delaine Eastin, State Superintendent of Public Instruction, et al*., Los Angles County Superior Court, Case No. BC174282
- *San Francisco NAACP* v. *San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al.,* v. *State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District* v. *State Board of Education, et al.,* Sacramento County Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al.* v. *Wilson, et al.,* United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V.* v. *Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al.*, v. *California Board of Education, et al.,* Los Angeles Superior Court, Case No. TC014071
- *Williams, et al.* v. *State of California, et al.,* San Francisco Superior Court, Case No. 312236
- *Wilson, et al.* v. *State Board of Education, et al.,* Los Angeles Superior Court, Case No. BC254081

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California State Board of Education
AGENDA.....March 10-11, 2004

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

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Wednesday, March 10, 2004
9:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, March 11, 2004
8:00 a.m. ±
STATE BOARD OF EDUCATION
Closed Session – IF NECESSARY
(The public may not attend.)

California Department of Education
1430 N Street, Room 1101
Sacramento, California
(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, March 11, 2004
8:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
Public Session

California Department of Education
1430 N Street, Room 1101
Sacramento, CA 95814
(916) 319-0827

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For more information concerning this agenda, please contact Rae Belisle, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone (916) 319-0827; fax (916) 319-0175. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

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CALIFORNIA STATE BOARD OF EDUCATION ITEM # 1

NOVEMBER 2003 AGENDA

SUBJECT: 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.	X INFORMATION X ACTION ___ PUBLIC HEARING

RECOMMENDATION:

Consider and take action (as necessary and appropriate) regarding 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.

Summary of Previous State Board of Education Discussion and Action.

At each regular meeting, the State Board has traditionally had an agenda item under which to address "housekeeping" matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

Summary of Key Issue(s).

N/A

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

State Board Bylaws (as amended July 9, 2003).
Agenda Planner

AGENDA PLANNER 2003-2004

NOVEMBER 12-13, 2003 BOARD MEETING.....SACRAMENTO

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 6-7

JANUARY 7-8, 2004.....SACRAMENTO

Board Meeting

- Election of Board Officers
- Presentation of the California Teacher of the Year Awards
- United States Senate Youth, presentation of awards
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- Title 5 Regulations, proposed amendments to regulations concerning vision services

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, January 14-16
- Title I Committee of Practitioners, Sacramento, date to be determined

FEBRUARY 2004

Other Activities of Interest to the State Board:

- Advisory Commission on Special Education, Sacramento, February 12-13

MARCH 10-11, 2004.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

APRIL 2004

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, April 9
- Advisory Commission on Special Education, Sacramento, April 22-23

AGENDA PLANNER 2003-2004

MAY 12-13, 2004.....SACRAMENTO

Board Meeting

- Board Meeting Schedule, evaluation of every-other month meeting schedule
- Instructional Materials, adopt maximum weight standards for textbooks
- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, approval of supplemental service providers for 2004-05

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, May 20-21

JUNE 2004

Other Activities of Interest to the State Board:

- Advisory Commission on Special Education, Sacramento, June 24-25
- Title I Committee of Practitioners, Sacramento, date to be determined

JULY 7-8, 2004.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Other Activities of Interest to the State Board:

- 2004 Health Adoption, deliberations of Instructional Materials Advisory Panels and Content Review Panels, Sacramento, July 19-23

SEPTEMBER 8-9, 2004.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary

Other Activities of Interest to the State Board:

- Curriculum Develo
- Title I Committee of Practitioners, Sacramento, date to be determined

AGENDA PLANNER 2003-2004

NOVEMBER 9-10, 2004 (TUESDAY/WEDNESDAY).....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary
- No Child Left Behind Act, update/action as necessary
- 2004 Health Adoption, Curriculum Commission recommendations for adoption, for information only
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2005-06 Student Member of the State Board

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, November 18-19

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 2

NOVEMBER 2003 AGENDA

SUBJECT: PUBLIC COMMENT. Public Comment is invited on any matter not 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.	___ ACTION X INFORMATION ___ PUBLIC HEARING

RECOMMENDATION:

Listen to public comment on matters not included on the agenda.

Summary of Previous State Board of Education Discussion and Action.

N/A.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information Attached to this Agenda Item.

None.

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 3

NOVEMBER 2003 AGENDA

SUBJECT: Report of the 2003-04 Student Advisory Board on Education.	____ ACTION X INFORMATION PUBLIC HEARING

RECOMMENDATION:
Listen to the report of the 2003-04 Student Advisory Board on Education, including the presentation of specific proposals and recommendations for the State Board's consideration over the coming year. Ask questions of the SABE delegates as the members so desire.

Summary of Previous State Board of Education Discussion and Action.

The State Board annually hears the report of the Student Advisory Board on Education (SABE). CDE and State Board staff, working with the State Board's Student Member, may review and develop responses to the SABE proposals, which are then considered at future State Board meetings. The 2003-04 SABE conference will be held in Sacramento from November 8-12, 2003, culminating in the oral presentation to the State Board on the morning of Wednesday, November 12, in Room 1101 the California Department of Education Building. A luncheon following the presentation to the State Board will bring the 2003-04 SABE conference to a close.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Traditionally the State Board is presented with a written report of the SABE recommendations and supporting materials at the same time the oral presentation is made.

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 4

NOVEMBER 2003 AGENDA

SUBJECT		
Standardized Testing and Reporting (STAR) Program: Release of 10 percent of Contract Costs to Educational Testing Service (ETS) for the 2002–2003 Content Standards Test (CST) and California Achievement Test, Sixth Edition, (CAT/6) STAR Contract.	**X**	**Action**
	X	**Information**
	☐	**Public Hearing**

Recommendation:

It is recommended that State Board of Education (SBE) approve the release of the 10 percent withheld from ETS 2002-2003 CST and CAT/6 STAR contract.

Summary of Previous State Board of Education Discussion and Action

SBE approved a three-year contract with ETS at its June 2002 meeting.

Summary of Key Issue(s)

- *California Education Code,* section 60643(e)(4) requires that, "not less than 10 percent of the amount budget for each separate and district component task provided for in each contract shall be withheld pending final completion of all component tasks by that publisher," for STAR Program contracts.
- California Department of Education (CDE) authorized payment for 90 percent of the costs on each invoice submitted by ETS for work completed on the 2002-2003 contract and withheld 10 percent as required by the *California Education Code*. The 10 percent is withheld until all contract work is completed. If a contract is not completed satisfactorily, CDE may recommend that SBE penalize the contractor by withholding all or part of the 10 percent from the contractor's final payment.
- CDE staff monitored the contractor's completion of the terms specified within the *California Education Code* and the 2002-2003 contract.
- ETS completed all 2002-2003 contract work with no time lapses that resulted in schools or districts testing outside of the regulatory window. The contractor corrected any omissions or errors made during the first-year of the contract in a timely manner; therefore, the 10 percent withheld on each invoice for the 2002-2003 contract should be released to the company.

Fiscal Analysis (as appropriate)

None

Attachment(s)

None

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 5

NOVEMBER 2003 AGENDA

SUBJECT	X	**Action**
Standardized Testing and Reporting (STAR) Program: Including, but not limited to release of 10 percent of Contract Costs to CTB/McGraw-Hill for 2003 Spanish Assessment of Basic Education (SABE/2) STAR Contract	X	**Information**
	☐	**Public Hearing**

Recommendation:

It is recommended that the State Board of Education (SBE) approve the release of the 10 percent withheld from the 2003 CTB/McGraw-Hill SABE/2 STAR contract.

Summary of Previous State Board of Education Discussion and Action

SBE approved the 2003 SABE/2 STAR contract with CTB/McGraw-Hill at its September 2002 meeting.

Summary of Key Issue(s)

- *California Education Code,* section 60643(e)(4) requires that, "Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that publisher," for STAR Program contracts.
- California Department of Education (CDE) authorized payment for 90 percent of the costs on each invoice submitted by CTB for work completed on the 2003 contract and withheld 10 percent as required by the *California Education Code*. The 10 percent is withheld until all contract work is completed. If a contract is not completed satisfactorily, CDE may recommend that SBE penalize the contractor by withholding all or part of the 10 percent from the contractor's final payment.
- CDE monitored the CTB's compliance with and completion of the terms specified within the *California Education Code* and the 2003 contract.
- CTB/McGraw-Hill completed all 2003 contract work on time with no time lapses that resulted in schools or districts testing outside of the regulatory window. There were no other reported irregularities; therefore, the 10 percent withheld on each invoice during the contract year should be released to the company.

Fiscal Analysis (as appropriate)

None

Attachment(s)

None

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 6

NOVEMBER 2003 AGENDA

SUBJECT		
Standardized Testing and Reporting (STAR) Program: Update on 2004 STAR California Standards Test (CST) and California Achievement Test, Sixth Edition (CAT/6) Parent Report.	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Receive update and take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) received information and a sample report format for a new 2004 STAR Program CST and CAT/6 Parent Report at its September 2003 meeting.

Summary of Key Issue(s)

- CDE staff have met with Educational Testing Service (ETS) and Grow Network staff to review the 2003 STAR Performance Report that was distributed to parents/guardians and to discuss information needed in the new report.
- ETS conducted Focus Group meetings with district STAR coordinators during October to review the report format and content.
- SBE will receive prototype reports to approve at its January 2004 meeting.
- Minor word changes may be made up to the March 2004 SBE meeting after which report production must begin.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

Attachment 1: The Standardized Testing and Reporting (STAR) Program Student Report - DRAFT (Pages 1 of 1).

The STAR Student Report

USING ASSESSMENT TO HELP STUDENTS

Dear Parent/Guardian of **Bianca Smith**,

Each year, the STAR program measures your child's progress in meeting California's content standards. The standards describe what all students should know and be able to do at each grade level.

This newly designed report shows your child's scores on the California Standards Tests and the CAT/6 Survey Edition, and gives suggestions for how you can help your child learn.

Sincerely,

JACK O'CONNELL
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

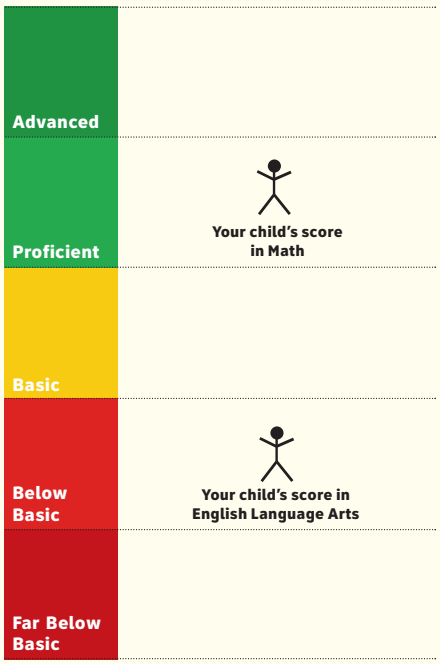
Student #: **000032291**
Date of birth: **2/12/93**

For the parent/guardian of:
Bianca Smith
123 Main Street
Los Angeles, CA 90210

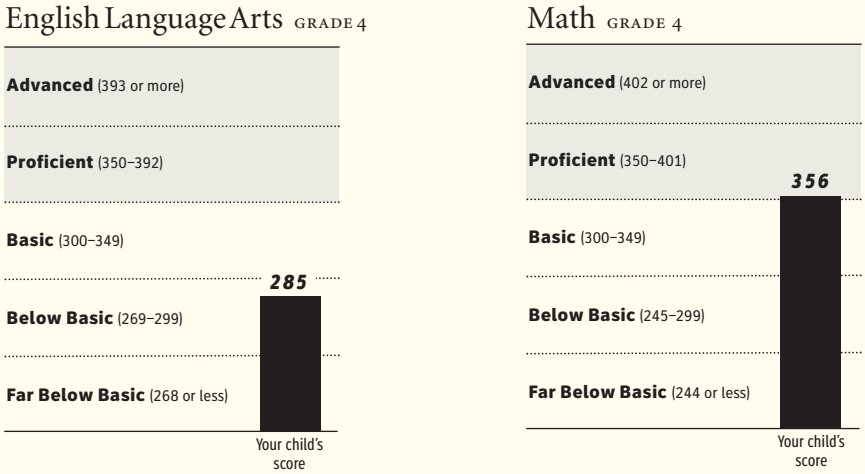
Grade: **4**
Test date: **4/02**
Teacher: **Michaelson**
School: **Johnson Elementary School**
District: **Langeberg Unified**

Your child's overall results on the California Standards Tests

Performance Levels at a glance



Specific scores on each test



State target for all students

Ask your school for its STAR results or go to http://star/cde.ca.gov.

How to help your child

1 **Review this report with your child and your child's teacher.**

2 **Provide your child with a quiet place to study each day.**

3 **Show an interest in your child's progress throughout the school year.**

Your child's strengths and needs based on these tests

English Language Arts GRADE 4

CALIFORNIA STANDARDS	YOUR CHILD (◆) COMPARED TO PROFICIENT STUDENTS: LOWER	ABOUT THE SAME	HIGHER	TOTAL NUMBER OF QUESTIONS
Reading				
Word Analysis and Vocabulary Developement		◆		21
Reading Comprehension	◆			18
Literary Response and Analysis	◆			11
Writing				
Written Conventions	◆			18
Writing Strategies		◆		22
Writing Applications	*The student's writing was illegible.*			8

In the graph above, your child is compared to students who scored Proficient, which is the state target for all students. Based on your child's test results, one content area to focus on is **Reading Comprehension**.

Math GRADE 4

CALIFORNIA STANDARDS	YOUR CHILD (◆) COMPARED TO PROFICIENT STUDENTS: LOWER	ABOUT THE SAME	HIGHER	TOTAL NUMBER OF QUESTIONS
Number Sense				
Decimals, Fractions, and Negative Numbers			◆	16
Operations and Factoring		◆		15
Algebra and Functions		◆		18
Measurement and Geometry	◆			12
Statistics, Data Analysis, and Probability		◆		5

In the graph above, your child is compared to students who scored Proficient, which is the state target for all students. Based on your child's test results, one content area to focus on is **Measurement and Geometry**.

More about the English Language Arts Standards

- **Word Analysis and Vocabulary Development**: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.
- **Reading Comprehension**: Students read and understand grade-level-appropriate materials. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources).
- **Literary Response and Analysis**: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of the text and the literary terms or elements (e.g., theme, plot, setting, characters).
- **Written Conventions**: Students write and speak with a command of standard English conventions appropriate to this grade level.
- **Writing Strategies**: Students write clear, coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (e.g., prewriting, drafting, revising, editing successive versions).
- **Writing Applications**: Students write compositions that describe and explain familiar objects, events, and experiences. Student writing demonstrates a command of standard American English and the drafting, research, and organizational strategies outlined in Writing Standard 1.0.

More about the Math Standards

- **Number Sense**: Students understand the place value of whole numbers and decimals to two decimal places and how whole numbers and decimals relate to simple fractions, and use the concepts of negative numbers. Students also extend their use and understanding of whole numbers to the addition and subtraction of simple decimals, solve problems involving addition, subtraction, multiplication, and division of whole numbers and understand the relationships among the operations, and know how to factor small whole numbers.
- **Algebra and Functions**: Students use and interpret variables, mathematical symbols, and properties to write and simplify expressions and sentences, and know how to manipulate equations.
- **Measurement and Geometry**: Students understand perimeter and area and use two-dimensional coordinate grids to represent points and graph lines and simple figures. Students also demonstrate an understanding of plane and solid geometric objects and use this knowledge to show relationships and solve problems.
- **Statistics, Data Analysis, and Probability**: Students organize, represent, and interpret numerical and categorical data and clearly communicate their findings and make predictions for simple probability situations.
- **Mathematical Reasoning**: Students make decisions about how to approach problems use strategies, skills, and concepts in finding solutions and move beyond a particular problem by generalizing to other situations.

For a complete copy of the standards, ask your school or go to www.cde.ca.gov/standards.

Your child's reading level

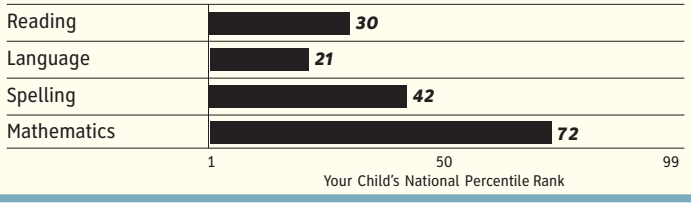
Your child's reading list number is 3.

Encourage your child to read at home and help your child find books of interest. Strong reading skills are critical for success in all school subjects.

To find recommended books based on your child's reading level, go to the California Reading List at **www.cde.ca.gov/statetests/star/readinglist.html**. You can also look for the list at your child's school or at the public library. The list for your child's grade and reading level provides suggested titles and shows the quality and the complexity of books that your child should read. It also includes different kinds of books, such as fiction, nonfiction, plays, and poetry.

National comparison: CAT/6

The percentile ranks in the graph below shows how your child performed on the CAT/6 Survey Edition as compared to other students nationally. These percentile ranks indicate the percentage of students your child scored as well as or better than on the test. The lowest possible percentile rank is 1, while the highest possible percentile rank is 99.



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Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **November 2003**

From: **Geno Flores, Deputy Superintendent, Assessment and Accountability Branch**

Re: **ITEM #6**

Subject: **Standardized Testing and Reporting (STAR) Program: Update on 2004 STAR California Standards Tests (CSTS) and California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) Parent Report**

State Board of Education (SBE) members received a draft copy of the revised 2004 STAR Parent Report at the September 2003 meeting. During October representatives from Educational Testing Service (ETS) and the Grow Network held focus group meetings with parents to receive input and suggestions for the report. The report has been renamed "The STAR Student Report" because parents/guardians and students' teachers receive the reports. In addition to "The STAR Student Report" for each student, teachers receive the "California Report for Teachers" that includes the results by class, grade, or other groupings for the year the tests were administered.

There are two prototype reports attached. One includes results for only the English-Language Arts and Mathematics CSTs. This report will be used for students in grades 2 through 4, 6, and 7. The second report includes results for the English-Language Arts, Mathematics, Science, and History-Social Science CSTs. This report will be used for students in grades 10 and 11. A third report that will include the results for three CSTs will be used for students in grades 5, 8, and 9.

ETS and its subcontractor will continue work on the report and will present final prototypes to SBE for approval in January 2004. SBE will be able to make minor changes in the wording on the report at its March 2004 meeting. After the March meeting, the documents will move into production to report the 2004 test results.

Attachment 1: The STAR Student Report (Pages 1-4)

The STAR Student Report

USING ASSESSMENT TO HELP STUDENTS LEARN

Dear Parent/Guardian of **Bianca Smith**,

Each year, the STAR Program measures your child's progress in meeting California's Content Standards, which describe what all students should know and be able to do at each grade level.

This newly designed report shows your child's scores on the California Standards Tests and the CAT/6 Survey Edition and gives suggestions for how you can help your child learn.

Sincerely,

JACK O'CONNELL
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

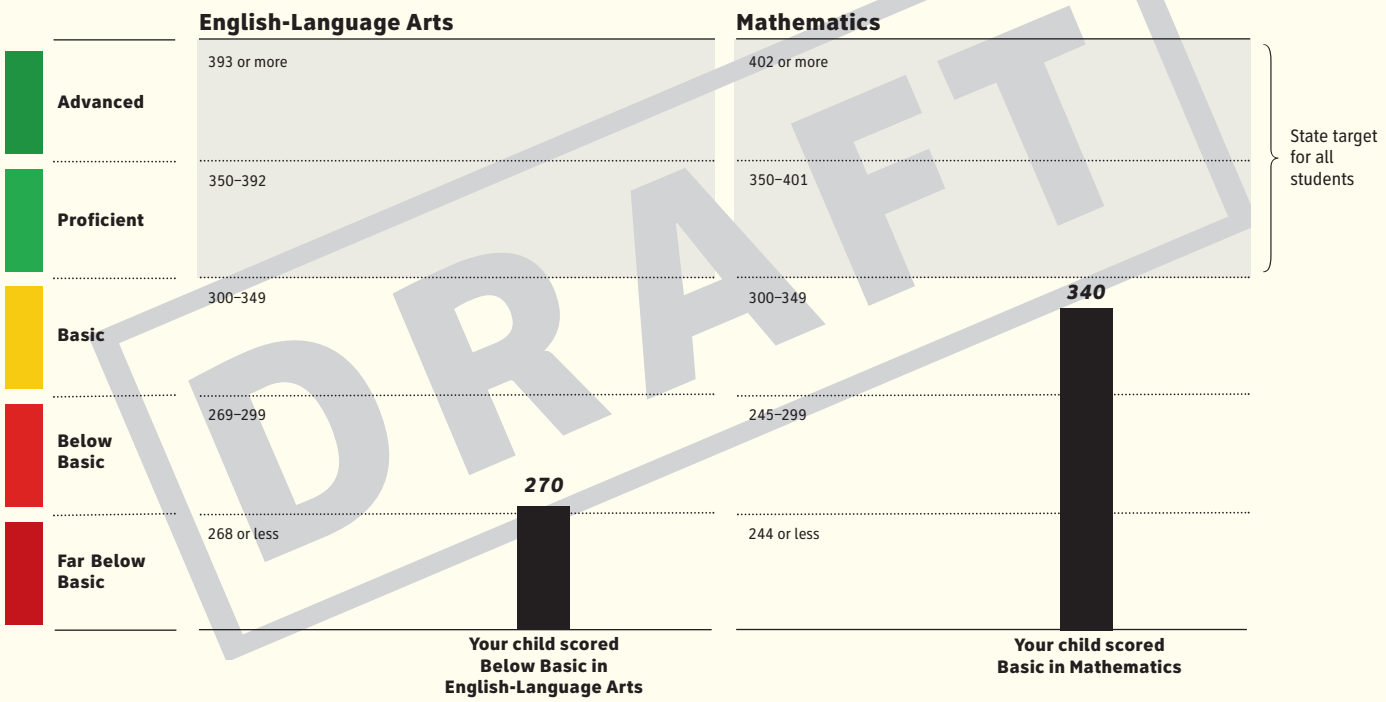
Student #: **000032291**
Date of birth: **2/12/93**

For the parent/guardian of:
Bianca Smith
123 Main Street
Los Angeles, CA 90210

Grade: **4**
Test date: **4/04**
Teacher: **Michaelson**
School: **Johnson Elementary**
District: **Langeberg Unified**

Your child's overall results on the California Standards Tests

Your child's scores and performance levels



Ask your school for its STAR results or go to http://star.cde.ca.gov.

How to help your child

1. **Review this report with your child and your child's teacher.**
2. **Provide your child with a quiet place to study each day.**
3. **Show an interest in your child's progress throughout the school year.**

Your child's strengths and needs based on these tests

English-Language Arts GRADE 4

CALIFORNIA STANDARDS	YOUR CHILD'S SCORE (◆) COMPARED TO SCORE OF **PROFICIENT STUDENTS**			TOTAL NUMBER OF QUESTIONS
	LOWER	ABOUT THE SAME	HIGHER	
Reading				
Word Analysis and Vocabulary Developement		◆		21
Reading Comprehension	◆			18
Literary Response and Analysis	◆			11
Writing				
Written Conventions	◆			18
Writing Strategies		◆		22
Writing Applications	*The student's writing was illegible.*			8

In the graph above, your child's score is compared to the scores of Proficient students. Proficient is the state target for all students. Based on your child's test results, one content area to focus on is **Reading Comprehension**.

Mathematics GRADE 4

CALIFORNIA STANDARDS	YOUR CHILD'S SCORE (◆) COMPARED TO SCORE OF **PROFICIENT STUDENTS**			TOTAL NUMBER OF QUESTIONS
	LOWER	ABOUT THE SAME	HIGHER	
Number Sense				
Decimals, Fractions, and Negative Numbers		◆		16
Operations and Factoring	◆			15
Algebra and Functions		◆		18
Measurement and Geometry	◆			12
Statistics, Data Analysis, and Probability		◆		5

In the graph above, your child's score is compared to the scores of Proficient students. Proficient is the state target for all students. Based on your child's test results, one content area to focus on is **Measurement and Geometry**.

More about the English-Language Arts Standards

- **Word Analysis and Vocabulary Development**: Students understand the basic features of reading. They select letter patterns and know how to translate them into spoken language by using phonics, syllabication, and word parts. They apply this knowledge to achieve fluent oral and silent reading.
- **Reading Comprehension**: Students read and understand grade-level-appropriate materials. They draw upon a variety of comprehension strategies as needed (e.g., generating and responding to essential questions, making predictions, comparing information from several sources).
- **Literary Response and Analysis**: Students read and respond to a wide variety of significant works of children's literature. They distinguish between the structural features of the text and the literary terms or elements (e.g., theme, plot, setting, characters).
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- **Writing Strategies**: Students write clear, coherent sentences and paragraphs that develop a central idea. Their writing shows they consider the audience and purpose. Students progress through the stages of the writing process (e.g., prewriting, drafting, revising, editing successive versions).
- **Writing Applications**: Students write compositions that describe and explain familiar objects, events, and experiences. Student writing demonstrates a command of standard American English and the drafting, research, and organizational strategies outlined in Writing Standard 1.0.

More about the Mathematics Standards

- **Number Sense**: Students understand the place value of whole numbers and decimals to two decimal places and how whole numbers and decimals relate to simple fractions, and use the concepts of negative numbers. Students also extend their use and understanding of whole numbers to the addition and subtraction of simple decimals, solve problems involving addition, subtraction, multiplication, and division of whole numbers and understand the relationships among the operations, and know how to factor small whole numbers.
- **Algebra and Functions**: Students use and interpret variables, mathematical symbols, and properties to write and simplify expressions and sentences, and know how to manipulate equations.
- **Measurement and Geometry**: Students understand perimeter and area and use two-dimensional coordinate grids to represent points and graph lines and simple figures. Students also demonstrate an understanding of plane and solid geometric objects and use this knowledge to show relationships and solve problems.
- **Statistics, Data Analysis, and Probability**: Students organize, represent, and interpret numerical and categorical data and clearly communicate their findings and make predictions for simple probability situations.
- **Mathematical Reasoning**: Students make decisions about how to approach problems use strategies, skills, and concepts in finding solutions and move beyond a particular problem by generalizing to other situations.

For a complete copy of the standards, go to www.cde.ca.gov/standards.

DRAFT

Your child's reading level

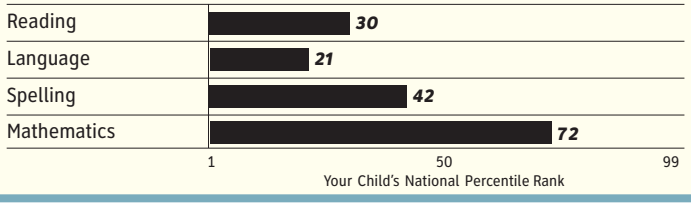
Your child's reading list number is 3.

Encourage your child to read at home and help your child find books of interest. Strong reading skills are critical for success in all school subjects.

To find recommended books based on your child's reading level (as determined by these test results), go to **http://star.cde.ca.gov** and click on "California Reading List." This list provides titles of books that your child should be able to read independently. It includes different types of books, such as fiction, nonfiction, plays, and poetry.

National comparison: CAT/6

The percentile ranks in the graph below shows how your child performed on the CAT/6 Survey Edition as compared to a national sample of students. These percentile ranks indicate the percentage of students your child scored as well as or better than on the test. The lowest possible percentile rank is 1, while the highest possible percentile rank is 99.



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The STAR Student Report

USING ASSESSMENT TO HELP STUDENTS LEARN

Dear Parent/Guardian of **Kelly Smith**,

Each year, the STAR Program measures your child's progress in meeting California's Content Standards, which describe what all students should know and be able to do at each grade level.

This newly designed report shows your child's scores on the California Standards Tests and the CAT/6 Survey Edition and gives suggestions for how you can help your child learn.

Sincerely,

JACK O'CONNELL
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

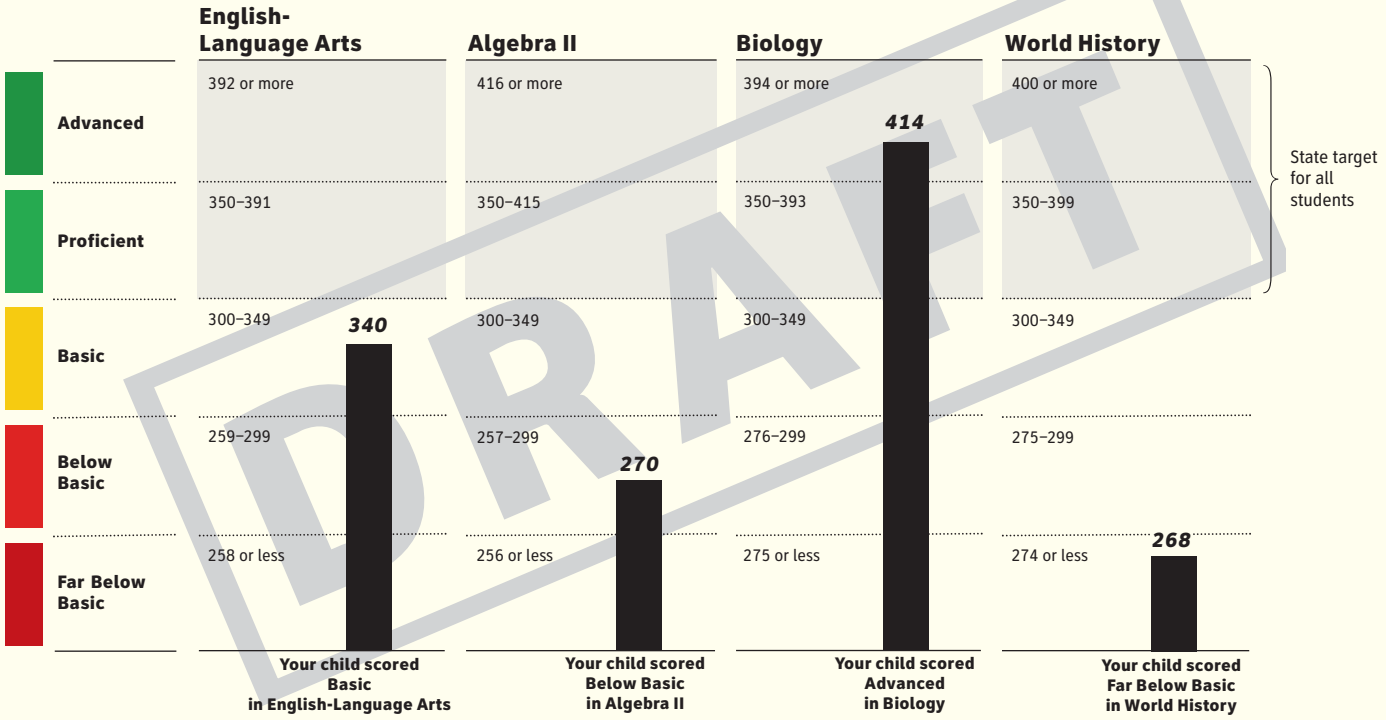
Student #: **000032291**
Date of birth: **4/15/87**

For the parent/guardian of:
Kelly Smith
2A Center Drive
San Bernardino, CA 92401

Grade: **11**
Test date: **4/04**
Teacher: **Jones**
School: **Washington HS**
District: **San Bernardino Unified**

Your child's overall results on the California Standards Tests

Your child's scores and performance levels



Ask your school for its STAR results or go to http://star.cde.ca.gov.

How to help your child

1. **Review this report with your child and your child's teacher.**
2. **Provide your child with a quiet place to study each day.**
3. **Show an interest in your child's progress throughout the school year.**

Your child's strengths and needs based on these tests

English-Language Arts GRADE 10

CALIFORNIA STANDARDS	YOUR CHILD'S SCORE (◆) COMPARED TO SCORE OF **PROFICIENT STUDENTS**			TOTAL NUMBER OF QUESTIONS
	LOWER	ABOUT THE SAME	HIGHER	
Reading				
Word Analysis and Vocabulary Developement		◆		8
Reading Comprehension	◆			18
Literary Response and Analysis	◆			16
Writing				
Written Conventions	◆			13
Writing Strategies		◆		20

In the graph above, your child's score is compared to the scores of Proficient students. Proficient is the state target for all students. Based on your child's test results, one content area to focus on is **Reading Comprehension**.

Algebra II GRADE 10

CALIFORNIA STANDARDS	YOUR CHILD'S SCORE (◆) COMPARED TO SCORE OF **PROFICIENT STUDENTS**			TOTAL NUMBER OF QUESTIONS
	LOWER	ABOUT THE SAME	HIGHER	
Polynomials and Rational Expressions	◆			19
Quadratics, Conics, and Complex Numbers		◆		17
Exponents and Logarithms		◆		16
Series, Combinations, Probability, and Statistics	◆			13

In the graph above, your child's score is compared to the scores of Proficient students. Proficient is the state target for all students. Based on your child's test results, one content area to focus on is **Polynomials and Rational Expressions**.

Biology GRADE 10

CALIFORNIA STANDARDS	YOUR CHILD'S SCORE (◆) COMPARED TO SCORE OF **PROFICIENT STUDENTS**			TOTAL NUMBER OF QUESTIONS
	LOWER	ABOUT THE SAME	HIGHER	
Investigation and Experimentation			◆	6
Cell Biology		◆		9
Genetics			◆	18
Ecology and Evolution			◆	16
Physiology		◆		11

In the graph above, your child's score is compared to the scores of Proficient students. Proficient is the state target for all students. Based on your child's test results, one content area to focus on is **Physiology**.

World History GRADE 10

CALIFORNIA STANDARDS	YOUR CHILD'S SCORE (◆) COMPARED TO SCORE OF **PROFICIENT STUDENTS**			TOTAL NUMBER OF QUESTIONS
	LOWER	ABOUT THE SAME	HIGHER	
Development of Modern Political Thought		◆		13
Industrial Expansion and Imperialism		◆		10
Causes and Effects of the First World War	◆			14
Causes and Effects of the Second World War	◆			13
International Developments in the Post-World War II Era	◆			10

In the graph above, your child's score is compared to the scores of Proficient students. Proficient is the state target for all students. Based on your child's test results, one content area to focus on is **Causes and Effects of the First World War**.

For a complete copy of the standards, go to www.cde.ca.gov/standards.

DRAFT

Your child's reading level

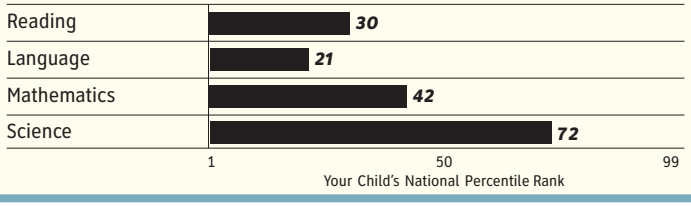
Your child's reading list number is 3.

Encourage your child to read at home and help your child find books of interest. Strong reading skills are critical for success in all school subjects.

To find recommended books based on your child's reading level (as determined by these test results), go to **http://star.cde.ca.gov** and click on "California Reading List." This list provides titles of books that your child should be able to read independently. It includes different types of books, such as fiction, nonfiction, plays, and poetry.

National comparison: CAT/6

The percentile ranks in the graph below show how your child performed on the CAT/6 Survey Edition as compared to a national sample of students. These percentile ranks indicate the percentage of students your child scored as well as or better than on the test. The lowest possible percentile rank is 1, while the highest possible percentile rank is 99.



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California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 7

NOVEMBER 2003 AGENDA

SUBJECT		
Standardized Testing and Reporting (STAR) Program: Update on 2004 STAR California Alternate Performance Assessment (CAPA) Parent Report.	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Receive update and take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved the 2003 STAR Program CAPA Parent Report at its July 2003 meeting with the direction that the 2004 CAPA Parent Report would be revised and approved by the SBE.

Summary of Key Issue(s)

- CDE staff has met with ETS and Grow Network staff to review the 2003 STAR CAPA Parent Report that was distributed to parents/guardians and to discuss information needed in the new report.
- SBE will receive prototype reports to approve at its January 2004 meeting.
- Minor word changes may be made up to the March 2004 SBE meeting after which report production must begin.

Fiscal Analysis (as appropriate)

None

Attachment(s)

SBE members will receive sample reports as a Last Minute Memorandum.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: Nov. 5, 2003**

From: **Geno Flores, Deputy Superintendent**
Assessment and Accountability Branch

Re: **ITEM # 7**

Subject **STANDARDIZED TESTING AND REPORTING (STAR) PROGRAM: UPDATE ON 2004 STAR CALIFORNIA ALTERNATE PERFORMANCE ASSESSMENT (CAPA) PARENT REPORT**

During October representatives from Educational Testing Service (ETS) and the Grow Network held focus group meetings with parents to receive input and suggestions for the report. The report has been renamed "The STAR Student Report" because parents/guardians and students' teachers receive the reports. In addition to "The STAR Student Report" for each student, teachers receive the "California Report for Teachers" that includes the results by class, grade, or other groupings for the year the tests were administered. A prototype of the 2004 STAR Student Report (CAPA version) is attached.

Attachment 1: The STAR Student Report (CAPA version) (Pages 1-2)

The STAR Student Report

USING ASSESSMENT TO HELP STUDENTS LEARN

Dear Parent/Guardian of **Anita Adams**,

Each year, the STAR Program measures your child's progress in meeting California's Content Standards. Your child participated in the STAR Program by taking the California Alternate Performance Assessment (CAPA). The CAPA measures your child's understanding of a subset of the California Content Standards that reflect important skills.

This report offers one source of information about what your child has learned. Your child's Individualized Education Program (IEP) provides a more comprehensive assessment of your child's skills and knowledge.

Sincerely,

JACK O'CONNELL
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

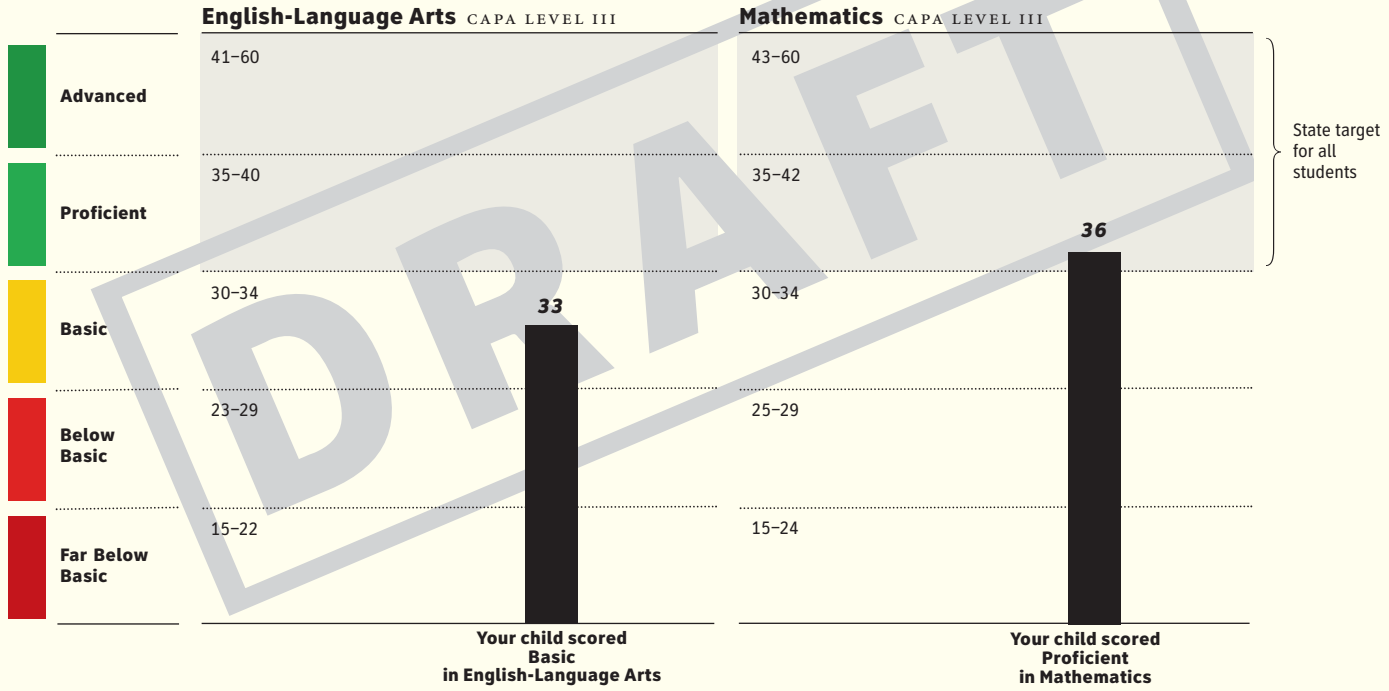
Student #: **000032291**
Date of birth: **2/12/93**

For the parent/guardian of:
Anita Adams
356 South Street
Los Angeles, CA 90210

Grade: **4**
CAPA level: **III**
Test date: **4/04**
School: **Johnson Elementary**
District of Residence: **Langeberg Unified**

Your child's results on the CAPA

Your child's scores and performance levels



DRAFT

Ask your school for its STAR results or go to http://star.cde.ca.gov.

How to help your child

1. **Review this report with your child's teacher.**
2. **Show an interest in your child's progress throughout the school year.**
3. **Be an active participant in your child's IEP team.**

More about your child's test results

More about CAPA Levels

CAPA LEVEL	GRADE
I	2–11 †
II	2–3
III	4–5
IV	6–8
V	9–11

† Level I is for profoundly disabled students and includes students in grades 2–11.

The CAPA is organized into five assessment levels, as shown in the adjacent table. Most students eligible for CAPA take the assessment level that corresponds with their current school grade. The assigned level is not related to individual ability in a particular content area. English-Language Arts and Mathematics are always given at the same assessment level.

For more information about the CAPA Program, ask your school or go to **www.cde.ca.gov/spbranch/sed/capa/prntgrdninfo.htm**.

More about the performance levels in English-Language Arts

The following paragraphs describe the five possible English-Language Arts performance levels for CAPA Level III. While your child may be able to complete tasks described in other levels, your child's level is based on how your child performed on this particular test. Talk to your child's teacher for a more complete understanding of your child's progress.

Advanced *(Scale Scores 41–60)*
Level III students performing at the *Advanced* level should be able to identify their first and last name and read vocabulary of at least 10 words or symbols. They are able to read functional signs and symbols found on a school campus. They can follow a schedule or recipe with at least 3 steps. They can produce simple words or symbols to communicate ideas. They are able to communicate their preferences in their primary mode of communication.

Proficient *(Scale Scores 35–40)*
Level III students performing at the *Proficient* level should be able to identify their first and last name. They can read vocabulary of at least 5 words or symbols. They are able to follow 2-step directions using symbols or words. They can write or select a representation of their name. They are able to indicate a preference in a short phrase and answer 1 open-ended question related to personal information.

Basic *(Scale Scores 30–34)*
Level III students performing at the *Basic* level should be able to recognize their name and 2-3 printed words or symbols. They can follow 1-step directions with 2 or more words. They are able to trace their name or select a symbolic representation to spell part of their name. They can indicate preferences and choices with a single word or a short phrase.

Below Basic *(Scale Scores 23–29)*
Level III students performing at the *Below Basic* level demonstrate an inconsistent interest in printed words or symbols. They can identify a few classroom objects. They are able to follow 1 word commands using symbols or words. They can select their name from a list. They can scribble. They are able to indicate their basic needs. They inconsistently indicate preferences.

Far Below Basic *(Scale Scores 15–22)*
Level III students performing at the *Far Below Basic* level communicate basic needs such as hunger, thirst, and physical discomfort. They orient toward the speaker, even when engaged in an activity. They inconsistently recognize common objects used in the classroom.

More about the performance levels in Mathematics

The following paragraphs describe the five possible Mathematics performance levels for CAPA Level III. While your child may be able to complete tasks described in other levels, your child's level is based on how your child performed on this particular test. Talk to your child's teacher for a more complete understanding of your child's progress.

Advanced *(Scale Scores 43–60)*
Level III students performing at the *Advanced* level should be able to demonstrate concepts of number sense such as numerical sequence to 20 and quantitative concepts up to 20. They understand concepts of "more" and "less" up to ten. They can identify what numeral comes before or after another numeral. They can identify the object that does not belong in a set. They are able to place coins or bills in order of value. They can tell time by the hour. They are able to extend an (ABCABC) pattern.

Proficient *(Scale Scores 35–42)*
Level III students performing at the *Proficient* level should be able to sequence numerals to 15 and demonstrate quantitative concepts up to 15. They can understand concepts of "more" up to 10, or concepts of 1-2 "less." They inconsistently identify the object that does not belong in a set. They can match coins or bills. They can match an (ABCABC) pattern.

Basic *(Scale Scores 30–34)*
Level III students performing at the *Basic* level should be able to sequence numerals to 10 and demonstrate quantitative concepts up to 10. They can indicate one or two more. They can sort by two attributes. They are able to recognize concepts of day and night. They can identify coins and bills. They are able to demonstrate early concepts of probability by extending an (ABAB) pattern.

Below Basic *(Scale Scores 25–29)*
Level III students performing at the *Below Basic* level should be able to identify more of a quantity and sequence numerals up to 5. They should be able to demonstrate quantitative concepts up to 5. They can classify objects by category and sort objects by a single attribute. They can identify tools (calendars and clocks) that measure time. They can match an (ABAB) pattern.

Far Below Basic *(Scale Scores 15–24)*
Level III students performing at the *Far Below Basic* level demonstrate beginning number sense concepts, such as rote counting to 3 and indicating a quantity of "1." They demonstrate early algebraic concepts by matching objects by a single attribute. They attempt to identify when (day, night) activities typically occur and tools that measure time but are not always accurate.

DRAFT

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CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 8

NOVEMBER 2003 AGENDA

SUBJECT		
California Assessment System: Test Item Release Plan for the California Standards Tests (CSTs), the California High School Exit Examination (CAHSEE), and the California Alternate Performance Assessment (CAPA)	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Approve the plan for annually releasing subsets of California Standards Test (CST), California Alternate Performance Assessment (CAPA), and California High School Exit Examination (CAHSEE) items and approve releasing subsets of 2003 CST items.

Summary of Previous State Board of Education Discussion and Action

- The State Board of Education (SBE) previously approved releasing CAHSEE items to help students, parents, teachers, administrators, and community members understand the nature of the examination.
- SBE had discussed releasing items from the CSTs, but the item pool for developing the tests did not contain a sufficient number of items to allow for releasing more than a few sample items.
- At its March 2003 meeting, SBE asked for an annual item release plan to include the CSTs, CAHSEE, CAPA, and other tests in the State Assessment System and postponed any item release until a plan is approved.
- Since March 2003, there have been subsequent board discussions related to the item release plan.

Summary of Key Issue(s)

- The California Department of Education (CDE), SBE staff, and SBE testing liaisons have worked with Educational Testing Service (ETS) to develop an Annual Item Release Plan.
- CDE plans to release approximately 20 percent of the 2003 CST items and 25 percent of CAHSEE items in each subject following SBE approval of the Item Release Plan. There are no plans to release any CAPA items until at least 2005.
- The number of items that can be released is based on the quality and quantity of items in the item database for developing subsequent tests that meet the highest professional standards of validity and reliability and the budget available for developing replacement items.
- SBE and CDE will continue working to determine how selected items can be developed as examples that demonstrate how they are used to assess California's

Summary of Key Issue(s)

Academic Content Standards.

Fiscal Analysis (as appropriate)

None provided that funding is available in the program budgets for ongoing item development.

Attachment(s)

Attachment 1: Outlining a Consistent Item Release Strategy for California (Pages 3-15)

Discussion of Long-Term Item Utilization for the California Standards Tests and California High School Exit Examination Educational Testing Service (ETS) DRAFT – 10/23/03

Background

California State Board of Education and Department of Education wish to develop a long-term plan that will predict the amount of item development that will be required, over the next several years, to sustain the California Standards Tests (CST), California High School Exit Examination (CAHSEE), and other state assessment programs. This document outlines some suggestions SBE and CDE may wish to consider in developing a long-term item utilization plan.

Focus of This Document

This document outlines a possible item utilization plan through 2011, using the English Language Arts tests for the CSTs and CAHSEE as a basis for projections. The general discussion in this draft, however, is applicable to all content areas. By October 31, 2003, ETS will provide similar detailed analyses for each content area in the CSTs and CAHSEE. That is, tables like Tables 1, 5, 6, 7, 8, and 9 will be created for each content area and test, including CAPA.

Phase One of Item Bank Development

The state's approach in both the CST and CAHSEE programs has been to require the development of a large number of items over a three-year period so that a large item bank is quickly created for each content area in each program. Table 1 shows that during 2002 and 2003, ETS field tested 696 and 1488 items for the ELA portion of the CAHSEE. In Fall 2002, ETS field tested 950 ELA items (4 versions X 25 items for grades 3-10 and 3 versions X 25 items for grades 2 and 11). In spring 2003, ETS field tested 1200 items for the ELA CSTs (20 versions X 6 items for grades 2-11). In 2004, approximately 1218 items will be field tested for CAHSEE, and 1356 will be field tested for the CSTs (25 versions X 6 items for grades 6-11, 20 versions X 6 items for grades 3-5, and 16 versions X 6 items for grade 2). For the entire 2002 to 2004 period, ETS will have field tested 3506 items for the ELA CSTs and 3402 items for CAHSEE.

Table 1. Numbers of ELA Items Field Tested, CSTs and CAHSEE 2002 – 2004

ELA Field Tested Items	2002		2003		2004	
Test	CSTs (Fall FT)	CAHSEE	CSTs	CAHSEE	CSTs	CAHSEE
Grade 2	75	-	120	-	96	-
Grade 3	100	-	120	-	120	-
Grade 4	100	-	120	-	120	-
Grade 5	100	-	120	-	120	-
Grade 6	100	-	120	-	150	-
Grade 7	100	-	120	-	150	-
Grade 8	100	-	120	-	150	-
Grade 9	100	-	120	-	150	-
Grade 10	100	696	120	1488	150	1218
Grade 11	75	-	120	-	150	-
Total FT items	950	696	1200	1488	1356	1218
Totals by Year	1640		2688		2574	
Totals by Program:						
CST 3506			CAHSEE 3402			

Similar numbers of items have been field tested for the mathematics tests in both programs as well as the science and history-social science CSTs. Also, in 2002 and 2003, 600 items were approved by the CAPA item review committees, with 80 to be placed on mathematics and ELA operational forms in 2004 and 112 to be field tested in science in 2004. The item bank equilibrium data for these tests will also be provided by October 31.

Phase Two of Item Bank Development

Now that large numbers of items have been developed for the state programs, it is possible to determine the following key aspects of the second phase of item development

and to ascertain how much future development is required to reach and sustain an equilibrium.

1. *Optimal Size of Bank.* The first important consideration in developing a long-term development plan is the size of the item bank that is required to create high quality test forms over several years. With too small a bank, it is difficult to create forms that fulfill the blueprint and also meet appropriate psychometric requirements. That is, without a sufficiently large bank, it is not possible to build operational forms that assess various components of the standards, provide a variety in item types (e.g., with or without mathematical context), and contain items that do not clue each other. ETS also recognizes that there are unnecessary expenses associated with developing and maintaining too large a bank.

Based on our experience with the construction of tests for both CAHSEE and the CSTs, ETS suggests that, with the exception of ELA, the content area item banks should, at equilibrium, contain 4 to 5 times the number of items annually required for building operational forms. For ELA, we suggest 5 to 6 times the number of items annually required for building operational forms. The larger ratio for ELA is based on the fact that most of the items are passage-based. Therefore, releasing or discarding a passage results in a proportionally greater loss of items in the bank.

2. *Field Test Survival Rates.* A second important consideration in determining the best size for an item bank at equilibrium is the percentage of new items that can be expected to survive after being field tested. With one year of CST data and two years of CAHSEE data, ETS has observed that this percentage varies by content area and grade. The data are provided in approximate values in the following tables (note that general mathematics, integrated mathematics, or integrated science CSTs are not included in Table 2 because no field testing was done for these courses):

Table 2. Approximate Percentage of Usable Items from Field Testing California Standards Tests – 2003 Administrations

60-70%	70-80%	80-90%	90%+
H.S. Math	Biology	Algebra I	Science grade 5
Physics	Earth Science	Algebra II	ELA grade 10
	ELA grade 11	Chemistry	ELA grade 2
	ELA grade 3	ELA grade 4	ELA grade 5
	ELA grade 6	ELA grade 9	ELA grade 7
	Math grade 6	H/SS World	ELA grade 8
		Math grade 7	Geometry
			H/SS U.S. History
			H/SS grade 8
			Math grade 4
			Math grade 3
			Math grade 5
			Math grade 2

Table 3. Approximate Percentage of Usable Items from Field Testing CAHSEE - 2002 and 2003 Administrations

70%	75%
Mathematics	English-Language Arts

These data have been used in the detailed projections of the item bank inventory through 2011, which are summarized in Tables 5 and 6.

3. *Released Items.* A third consideration in determining a long-term item development plan is the numbers of items expected to be released on an annual basis. Recognizing that the percentage and format of the release are policy decisions, ETS has based its calculations for the equilibrium of the item bank on what we believe is the current SBE thinking about item release, as shown in the following table:

Table 4. Annual Percentage and Numbers of Released Items

Year	CAHSEE		CST		CAPA		CELDT	
	%	# per test	%	# per test	%	# per test	%	# per test
1998			0	0				
1999			0	0				
2000			0	0				
2001	75	60	0	0			0	0
2002	75	60	0	0			0	0
2003	25	18-20	20	12-15	0	0	0	0
2004	25	18-20	20	12-15	0	0	0	0
2005	25	18-20	25	15-19	25	2	10	3-8
2006	25	18-20	25	15-19	25	2	10	3-8
2007	25	18-20	25	15-19	25	2	10	3-8
2008	25	18-20	25	15-19	25	2	10	3-8
2009	25	18-20	25	15-19	25	2	10	3-8
2010	25	18-20	25	15-19	25	2	10	3-8

ETS understands that the percentage of items to be released for CAHSEE is 25 percent annually. For the CSTs, 20 percent will be released in 2003 and 2004, with 25 percent released in subsequent years. Beginning in 2005, it is anticipated that 25 percent for CAPA will be released annually. For CELDT, ETS understands that the release may be as low as 10 percent, with the first release in 2005—subject to SBE and CDE negotiations with the CELDT contractor.

The data in Table 4 have been incorporated in our item bank inventory projections found in Tables 5 and 6.

4. *Attrition.* A fourth consideration in a long-term plan for item development is the natural attrition that occurs in any item bank. Our experience has shown that attrition is caused primarily by three factors:

- Items and/or passages become unexpectedly dated. A passage about student backpacks, while of high interest to students, could become dated, for example, if students turn to another concept for transporting school materials. References in science or mathematics items can also become obsolete over time, despite efforts to anticipate such problems.
- Items or passages become unexpectedly sensitive. For example, items about space shuttles had to be removed after the recent shuttle tragedy. Sensitivities grow and change over a period of years in ways that cannot be anticipated.
- The largest factor influencing attrition is changes in CRP perceptions of item acceptability. In all state programs, there is a slight drift toward more or less rigor in how the standards are interpreted in terms of assessment. It is customary that some percentage of items becomes less acceptable as the state standards become incorporated into instructional materials and become widely used in classrooms. The CSTs experienced a fairly high amount of item bank attrition in 2002, especially in ELA, because when the SAT-9 items were removed from the test

and CRP took the opportunity to examine all the item types in the bank, many items were deemed no longer acceptable.

The 2002 spike in attrition in the CST ELA item bank is reflected in the 2003 data in Table 6. Overall, the attrition rate for ELA is predicted to be 10 percent of the items field tested, with an increase in later years to 15 percent. The expected attrition rate is less for other content areas (mathematics, science and history-social science). ETS's prediction would be 5 percent in the early years and 10 percent in later years. The attrition rate is higher for ELA because items are in groups associated with specific passages.

5. *Item Reuse.* A final consideration in determining a long-term item utilization plan is the number of times an item is used. Traditionally, the CST operational forms have been "refreshed" at the rate of 50 percent, which means that half of all items may serve as equating or linking items. CAHSEE has been refreshed at the rate of 26 to 30 percent, with a linking set of approximately 22 items, as is consistent with industry best practices and also with the need for the security of items on a high stakes test.

In anticipation of the need for a substantial group of release-able items for 2004, CDE gave ETS permission to refresh 60 to 70 percent of the CSTs, using the model of a minimum of 22 anchor items. The purpose of the greater refreshment percentage in 2004 was to create a larger pool of items that had been used at least once operationally, in anticipation of the variety of possible specifications SBE might decide were appropriate for selection of released items. For example, if SBE were to decide that two or three items should be released for a particular standard or that statewide data should be posted for released items, it would be necessary to have a large pool of items that had been used operationally. ETS recognizes that SBE has not elected to use the latter specifications for item release, but both were being discussed last summer, when the 2004 refreshment rate had to be determined.

ETS will return to the 50 percent refreshment model in subsequent years. The 2004 increased rate occurred with no change in the CST test development scope of work. ETS recommends that after items have been refreshed (i.e., removed from operational forms), they remain unused in the item bank for approximately three years. This practice of "resting" items is consistent with industry practices for the security of test items, and it is especially important for CAHSEE, so that the test-taking cohort sees as few repeated items as possible.

With the 50 percent refreshment model, half of the items are used for two or sometimes three years in a row, but then they too should be allowed to rest for at least three years. The number of items ETS suggests for the item banks at equilibrium makes it possible to set aside a large majority of items for three-year periods. This design is reflected in Tables 5 and 6. With this item bank model, half the items typically are used once every four years through the life of the program. Half the items are used twice every five years. The released items are taken from the pool after at least one use, although preference is given to former anchor items that have been used at least twice. As mentioned above, having a sizeable pool of items available for release does not mean that large numbers

must or should be released. A large eligible pool is desirable because it gives flexibility in selection of items according to SBE specifications for the release.

The ELA Item Banks at Equilibrium

Cumulative inventories summarizing project item bank growth are shown in Table 5 for the CAHSEE ELA test and in Table 6 for the ELA CSTs. As mentioned earlier, tables for the other content areas and tests will be completed by October 31. For each year from 1999 to 2011, there are actual or predicted entries for the following variables:

- Items field tested during that year
- Usable items from field testing added to the item bank (assuming survival rates of 80% for the ELA CSTs and 75% for the CAHSEE ELA)
- Items needed for operational forms during that year
- Items released during that year
- Items removed by attrition during the year (e.g., dated/sensitive items or due to changes in CRP approach)
- The cumulative inventory of items after additions to and removals from the item bank

As mentioned earlier ETS recommends building all item banks with the goal of reaching an equilibrium number of 4 to 5 times the number of items annually required for building operational forms (5 to 6 times for ELA because of the passage-based items).

As shown in Table 6, for the ELA CSTs, 730 operational items are required per year (130 for grades 2 and 3; 600 for grades 4 through 11). Taking this number times 6 yields 4380 items as the ideal number for the ELA bank. The desirable number of items at equilibrium would actually be about 4500 items, because the CSTs are divided into grades and should have sufficient numbers of passage-based items per grade.

Because of the current California budget crisis, ETS recommends that, beginning immediately, the growth of the ELA CST item bank be slowed, as shown in Table 6. This slower growth would result in fewer items being developed and field tested in 2005 and 2006 than is called for in the current CST Scope of Work. As Table 6 shows, under the new plan the CST ELA item bank would then reach equilibrium in 2010.

For CAHSEE, the growth of the ELA item bank does not need to be slowed, as item development for this contract is almost complete. The existing contract requires field testing of 5880 multiple-choice ELA items. All of these items have been developed, and almost all of them have been approved. Only a few hundred items remain to be reviewed by CAHSEE committees in February 2004. However, because the number of CAHSEE administrations has been reduced, and, primarily, because the number of field test slots on each ELA form has been reduced from 12 to 7, not all of the 5880 items have yet been field tested. Table 5 shows that the remaining items could be field tested at a steady rate between 2005 and 2011, should the state desire.

Additionally, the CAHSEE contract requires that ETS build 24 forms over the life of the contract, 16 for "regular" administrations and 8 for emergency use. These numbers represent a requirement of six operational and six emergency forms each year. Because there are now only five annual CAHSEE administrations, and because it is now clear that emergency forms will not often be used, the number of operational forms built could be reduced to six annually—five operational forms and one emergency form. As of October 2003, ETS has built eleven operational forms and one emergency form. The lower number of forms would mean that the number of CAHSEE ELA operational items required annually would be 438, not the 730 now specified in the contract. This change would permit the CAHSEE ELA item bank to reach optimal size—6 times the annual number of operational items—in 2004. Additional field testing of the already developed items in 2005 through 2011 would increase the number of items in the ELA bank without significant additional expense to the state.

Table 5. Cumulative Item Inventory for CAHSEE ELA

Year	Items Field Tested	Usable Items Added to Bank (75% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999	0	0	0	0	0	0
2000	500	375	0	0	0	375
2001	500	375	168	60	38	652
2002	696	522	504	60	38	1076
2003	1488	1116	252	18*	157	2017
2004	1218	914	438	18	112	2801
2005	354	266	438	18	91	2958
2006	354	266	438	18	40	3166
2007	354	266	438	18	40	3374
2008	354	266	438	18	40	3582
2009	354	266	438	18	40	3790
2010	354	283	438	18	40	4015
2011	354	283	438	18	42	4238

* Note that 18 equals 25% of one CAHSEE ELA operation form with 73 items.

Table 6. Cumulative Item Inventory for the ELA CSTs

Year	Items Field Tested	Usable Items Added to Bank (80% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999	615	461	350	0	0	461
2000	684	547	350	0	46	962
2001	350	280	350	0	55	1187
2002	950	760	350	0	28	1919
2003	1200	960	730	146	228	2505
2004	1356	1085	730	146	96	3348
2005	678	542	730	183	109	3598
2006	678	542	730	183	81	3876
2007	550	440	730	183	81	4052
2008	550	440	730	183	66	4243
2009	430	344	730	183	66	4338
2010	430	344	730	183	52	4447
2011	430	344	730	183	52	4556

Table 7 gives an overview of the item bank equilibrium for both CAHSEE and CSTs in English-Language Arts. This table shows the expected numbers of items field tested and surviving field testing, the expected numbers of items released and removed due to attrition, and the items remaining in the bank by 2011.

Table 7. Summary of ELA CAHSEE and CST Item Banks 1999 – 2011

Totals	CAHSEE	CSTs
Total Items Field Tested	6880	8901
Total FT Items Surviving	5198	7090
Total Release of Items	300	1573
Total Expected Attrition	678	960
Items Remaining in Bank	4220	4556

The following diagram summarizes the inputs and outputs that create equilibrium in an item bank. The numbers of items in the chart show typical changes during a given year. By October 31, ETS will update this chart to show a specific subject and year.

Item Bank Equilibrium

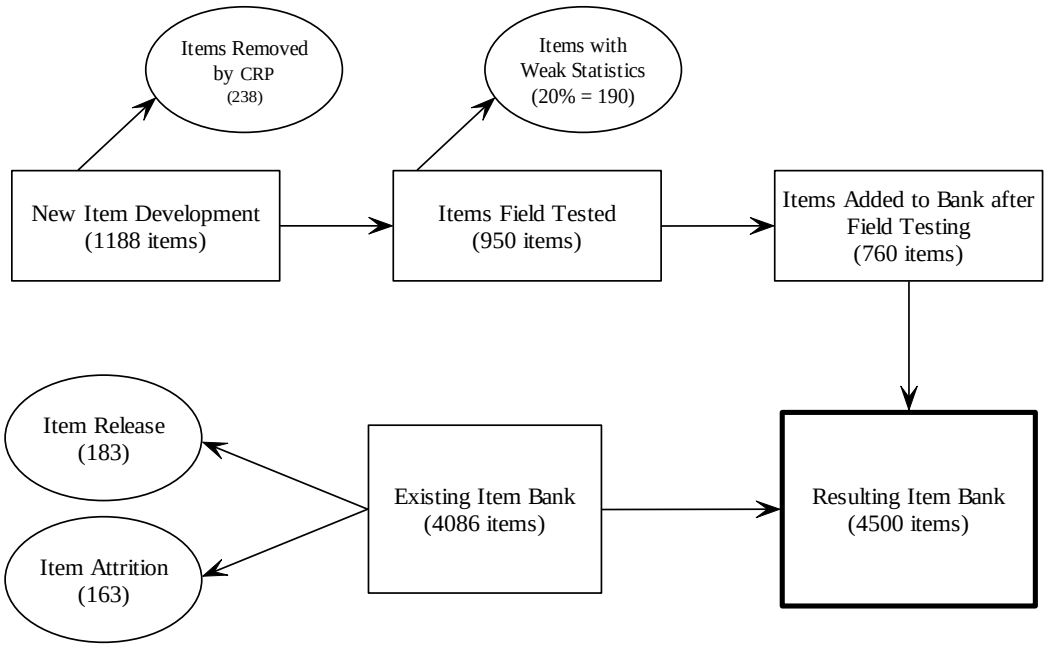

Table 8 shows the number of items that should be developed each year to produce and maintain item bank equilibrium for the CSTs in English-Language Arts. The data are based on the assumption that 80 percent of items taken by ETS to CRP review will be accepted for field testing. ETS has had a 90 percent acceptance rate, on average, in English-language arts, mathematics, and history-social science and a 75 percent acceptance rate in science. The 80 percent figure has been used in this document because it represents an excellent acceptance rate according to general industry standards. Note that the bottom row giving the totals in Table 8 does not calculate to the 80 percent ratio because the numbers of items taken to the CRPs in 1999 and 2000 are unknown.

Table 8. Item Development for ELA CSTs
1999 – 2011

Year	Items Developed for Review by CRP (80% acceptance rate)	Items Field Tested
1999	HEM (unknown)	615
2000	HEM (unknown)	684
2001	438	350
2002	1188	950
2003	1500	1200
2004	1695	1356
2005	1695	678
2006	1188	678
2007	450	550
2008	450	550
2009	300	430
2010	300	430
2011	300	430
Total	9504	8901

Item Release

The following paragraphs summarize ETS's understanding of the plan to be presented to SBE for the release of items, based on the item utilization concepts in this document.

Audiences for the Release

It is ETS's understanding that there are two main audiences to be served by the release of test items. The first is the general public, including the press, who wish to have a better sense of what the tests measure and also want to be assured that the tests are fair to students. The second audience is educators, who wish to understand how the California content standards are measured on state assessments so that standards-based instruction can be improved.

A Plan for the General Public

For the general public, including the press, ETS understands that SBE and CDE may want to see one item from each grade and content area (at least for ELA and mathematics) treated as an "exemplar" item. Each exemplar item would be presented in a context that clarifies the relationship between assessment, standards, and instruction. The context might include, for example, explanations of how the selected item tests the standard, which components of the standard would be tested by other items, how the underlying concept or skills in the standard are expressed at other grade levels, and how the distractors function within the item.

If SBE approves, ETS will ask the CRP members in their first 2004 item review meetings (to be held between January and March) to approve a prototype exemplar treatment and to select items to be given exemplar treatment. The CRP would choose exemplar items

from the sets of items that they approved for release in 2003. ETS will rely on the SBE and CDE providing the CRP with criteria for selection of the exemplars. Once the exemplars are written, ETS will give them to CRP members for review and approval. This plan would allow for development of the exemplars, approval by the CRPs, and publication of the exemplars prior to the next major score release and press event in the state, the CAHSEE data from the March administration.

A Plan for Educators

For educators, ETS understands that SBE and CDE would like to release items in a similar manner to the 2002 CAHSEE release. That is, mathematics, science, and history-social science items would be grouped according to strand or reporting cluster. ELA items would be grouped by passage. Each group would be preceded by a page or half-page of text describing the content of the strand. The language in the introductory text would be taken from the standards and frameworks. Each group of items would be followed by a table giving the answer keys and the standards measured by the items. It is our understanding that statewide p-values (percentage correct) would not be provided in this release. ETS would be pleased to prepare items in this format or in any other SBE-approved format.

Numbers of Items to Be Released

Table 4 in this document shows ETS's understanding of the percentages and numbers of released items for the CSTs and CAHSEE for 2003, as requested by SBE and CDE. Under this plan, a full operational form of each CST could be released after five years. ETS understands that the issue of whether or not the full released form would exactly replicate the blueprint is an open issue. Similarly, whether or not the full released form would replicate the statistical parameters of an actual test is also an open question. Whether or not, over time, items should be presented in relation to the California performance levels (e.g., proficient, advanced) is also to be determined. Finally, ETS understands that SBE may wish to release items according to the depth of coverage in the item bank. Resolution of these questions will be important as the sets of items for 2004 release are selected. Another open question is the treatment of the few standards that are "rotated" annually or biannually.

Selection of Items for 2003 Release

For the CST released items, ETS selected, in January 2003, a draft set of items for potential release. Each set contained approximately 20 percent of an operational form. The criteria for the initial selection included the following:

- At least one item was included from every reporting cluster
- Items represented a range of standards on the operational form
- Items represented a range of difficulties
- Items represented a range of performance levels (e.g., basic, proficient)

ETS presented these items to each CRP at the initial 2003 meeting. At this meeting, the CRP members saw the draft sets as well as the other items eligible for release, and they made changes in the sets as desired. ETS presented the revised sets at the next CRP meeting, where panel members again had the opportunity to make changes. This process

was repeated twice more, so that the CRP members saw the released item sets at each of four meetings held between January and July.

Selection of Items for 2004 Release

We have described the specifications and process used for selection of the 2003 items as context for the SBE to determine what process should be used for 2004 and subsequent years. ETS will be pleased to follow the wishes of the SBE for both the specifications and process to be used.

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **November 2003**

From: **Geno Flores, Deputy Superintendent, Assessment and Accountability Branch**

Re: **ITEM #8**

Subject: **California Assessment System: Test Item Release Plan**

At the March 2003 meeting, the State Board of Education (SBE) asked for an annual item release plan to include the California Standards Tests (CSTs), California High School Exit Examination (CAHSEE), California Alternate Performance Assessment (CAPA), and other tests in the State Assessment System. There have been ongoing discussions with SBE since then.

SBE members received an attachment with the first mailing for this meeting titled, "Outlining a Consistent Item Release Strategy for California." The attached "Discussion of Long-Term Item Utilization for the California Standards Tests and California High School Exit Examination" replaces the original document. The October 31, 2003, document differs from the first document in three ways:

- The text has been edited for consistency of terminology, verification of numbers on all tables, and compliance with California Department of Education (CDE) style guidelines.
- Tables 1, 5, and 6 have been expanded to include the four content areas tested on the CSTs (i.e., mathematics, science, and history-social science have been added to the English-language arts information) and mathematics has been added to the original English-language arts information for the CAHSEE.
- The CAHSEE replacement rate has been corrected to indicate that between 70 and 75 percent of items are refreshed annually, rather than the 25 to 30 percent refreshment rate erroneously indicated in the earlier draft.

Attachment 2: Discussion of Long-Term Item Utilization for the California Standards Tests (CSTs) and California High School Exit Examination (CAHSEE) Educational Testing Service (ETS) DRAFT 10/31/03 (Pages 1-19).

Discussion of Long-Term Item Utilization for the California Standards Tests (CSTs) and California High School Exit Examination (CAHSEE) Educational Testing Service (ETS)

DRAFT – 10/31/03

Background

The California State Board of Education (SBE) and California Department of Education (CDE) wish to develop a long-term plan that will predict the amount of item development that will be required, over the next several years, to sustain the California Standards Tests (CSTs), California High School Exit Examination (CAHSEE), and other State Assessment Programs. This document outlines some suggestions that SBE and CDE may wish to consider in developing a long-term item utilization plan.

Phase One of Item Bank Development

Beginning with its contracts with ETS, the State's approach for both the CST and CAHSEE has been to require the development of a large number of items over a three-year period to create an item bank that can support the development of valid and reliable tests that meet the highest possible professional standards. Table 1A shows that, for the 2002 to 2004 period, ETS will have field tested 3506 ELA items for the CSTs and 3311 ELA items for CAHSEE, including:

For CSTS:

- In fall 2002, 950 ELA items (4 versions X 25 items for grades 3-10; 3 versions X 25 items for grades 2 and 11);
- In spring 2003, 1200 ELA items (20 versions X 6 items for grades 2-11); and
- In spring 2004, 1356 will be field tested (25 versions X 6 items for grades 6-11, 20 versions X 6 items for grades 3-5, and 16 versions X 6 items for grade 2).

For CAHSEE:

- In 2002, 696 ELA items
- In 2003, 1488 ELA items
- In 2004, 1127 ELA items

Table 1A. Numbers of ELA Items Field Tested, CSTs and CAHSEE 2002 – 2004

ELA Field Tested Items	2002		2003		2004	
Test	CSTs (Fall FT)	CAHSEE	CSTs	CAHSEE	CSTs	CAHSEE
Grade 2	75	-	120	-	96	-
Grade 3	100	-	120	-	120	-
Grade 4	100	-	120	-	120	-
Grade 5	100	-	120	-	120	-
Grade 6	100	-	120	-	150	-
Grade 7	100	-	120	-	150	-
Grade 8	100	-	120	-	150	-
Grade 9	100	-	120	-	150	-
Grade 10	100	696	120	1488	150	1127
Grade 11	75	-	120	-	150	-
Total FT items	950	696	1200	1488	1356	1127
Totals by Year	1646		2688		2483	
Totals by Program:						
CST 3506			CAHSEE 3311			

Similar numbers of items per grade have been field tested for CAHSEE and CST mathematics tests, as shown in Table 1B, and also for the history-social science and science CSTs, as shown in Tables 1C and 1D:

Table 1B. Numbers of Mathematics Items Field Tested, CSTs and CAHSEE 2002 – 2004

Mathematics Field Tested Items	2002		2003		2004	
Test	CSTs (Harcourt)	CAHSEE	CSTs	CAHSEE	CSTs	CAHSEE
Grade 2	35	-	120	-	108	-
Grade 3	35	-	120	-	120	-
Grade 4	35	-	120	-	120	-
Grade 5	35	-	120	-	120	-
Grade 6	35	-	120	-	150	-
Grade 7	35	-	120	-	150	-
Algebra I	35	-	120	-	150	-
Algebra II	35	-	120	-	180	-
Geometry	35		120		150	
Summative H.S. Mathematics	35	-	78	-	84	-
CAHSEE Mathematics	-	516	-	1500	-	1920
Total FT items	350	516	1158	1500	1332	1920
Totals by Year	866		2658		3252	
Totals by Program:						
CST 2840			CAHSEE 3936			

Table 1C. Numbers of CST History-Social Science Items Field Tested 2002 – 2004

Test	2002	2003	2004
	CSTs	CSTs	CSTs
Grade 6-8	35	120	180
Grade 10 World History	35	120	180
Grade 11 U.S. History	35	120	180
Total by Year	105	360	540
Total FT Items	1005		

Table 1D. Numbers of CST Science Items Field Tested 2002 – 2004

Test	2002	2003	2004
	CSTs	CSTs	CSTs
Grade 5	0	210	144
Biology	35	120	180
Chemistry	35	120	180
Physics	35	120	180
Earth Science	35	120	180
Total by Year	140	690	864
Total FT Items	1694		

Also, in 2002 and 2003, 600 items were approved by the CAPA item review committees, with 80 to be placed on mathematics and ELA operational forms in 2004 and 112 to be field tested in science in 2004.

Phase Two of Item Bank Development

Now that large numbers of items have been developed for the state programs, it is possible to determine the following key aspects of the next phase of item development and to ascertain how much future development is required to reach and sustain an equilibrium.

Determining the Optimal Size of the Bank. The first important consideration in developing a long-term development plan is determining the size of the item bank required to create high quality operational test forms over several years. With too small a bank, it is difficult to create forms that fulfill the blueprint and also meet appropriate psychometric requirements. Without a sufficiently large bank, it is not possible to build operational forms that assess various components of the standards, provide a variety in item types (e.g., with or without mathematical context), and contain items that do not clue each other. ETS also recognizes that there are unnecessary expenses associated with developing and maintaining too large a bank.

"Equilibrium" refers to the state of the item bank in which there are sufficient items to support the development of operational forms and new item development is needed only to offset items released to the public and items lost through attrition as described below.

Based on our experience with the construction of tests for both CAHSEE and the CSTs, ETS suggests that, with the exception of ELA, the content area item banks, at equilibrium, should contain 4 to 5 times the number of items annually required for building operational forms. For ELA, we suggest 5 to 6 times the number of items annually required for building operational forms. The larger ratio for ELA is based on the fact that most of the items are passage based. Therefore, releasing or retiring a passage results in a proportionally greater loss of items in the bank.

The following four factors impact the size of an item bank.

1. *Field Test Survival Rates.* The first factor is the percentage of new items that can be expected to survive after being field-tested. With one year of CST data and two years of CAHSEE data, ETS has observed that this percentage varies by content area and grade. The data are provided in approximate values in the following tables (Note that general mathematics, integrated mathematics, or integrated science CSTs are not included in Table 2 because no items are developed specifically for these tests. The General Mathematics CST includes only items developed and field-tested for grades 6 and 7. The integrated Mathematics and Sciences tests include only items developed and field-tested for the discipline-specific tests, such as Algebra I, Geometry, Chemistry, etc.):

Table 2. Approximate Percentage of Usable Items from Field Testing California Standards Tests – 2003 Administrations

Subject Area	60-70%	70-80%	80-90%	90%+
Mathematics:	Summative H.S.	Math grade 6	Math grade 7 Algebra I Algebra II	Math grade 2 Math grade 3 Math grade 4 Math grade 5 Geometry
Sciences:	Physics	Biology Earth Science	Chemistry	Science grade 5
English Language Arts		ELA grade 3 ELA grade 6 ELA grade 11	ELA grade 4 ELA grade 9	ELA grade 2 ELA grade 5 ELA grade 7 ELA grade 8 ELA grade 10
History-Social Sciences			H-SS World	Grade 8 U.S. History

Table 3. Approximate Percentage of Usable Items from Field Testing CAHSEE - 2002 and 2003 Administrations

70%	75%
Mathematics	English-Language Arts

2. *Released Items.* A second factor is the numbers of items expected to be released on an annual basis. Recognizing that the percentage and format of the release are policy decisions, ETS's calculations for the equilibrium of the item bank are based on discussions with SBE and CDE, as shown in Table 4:

Table 4. Annual Percentage and Numbers of Released Items

Year	CAHSEE		CST		CAPA		CELDT	
	%	# per test	%	# per test	%	# per test	%	# per test
1998			0	0				
1999			0	0				
2000			0	0				
2001	75	60	0	0			0	0
2002	75	60	0	0			0	0
2003	25	18-20	20	12-15	0	0	0	0
2004	25	18-20	20	12-15	0	0	0	0
2005	25	18-20	25	15-19	25	2	10	3-8
2006	25	18-20	25	15-19	25	2	10	3-8
2007	25	18-20	25	15-19	25	2	10	3-8
2008	25	18-20	25	15-19	25	2	10	3-8
2009	25	18-20	25	15-19	25	2	10	3-8
2010	25	18-20	25	15-19	25	2	10	3-8

ETS understands that the percentage of items to be released for CAHSEE is 25 percent annually. For the CSTs, 20 percent will be released in 2003 and 2004, with 25 percent released in subsequent years. Beginning in 2005, it is anticipated that 25 percent for CAPA will be released annually. For CELDT, ETS understands that the release may be as low as 10 percent, with the first release in 2005—subject to SBE and CDE negotiations with the CELDT contractor.

3. *Attrition.* The third factor is the natural attrition that occurs in any item bank. The attrition rate is higher for ELA (10 to 15 percent) than for other content areas (5 to 10 percent) because items are in groups associated with specific passages. Experience has shown that attrition is caused primarily by three factors:

- Items and/or passages become dated. A passage about student backpacks, while of high interest to students, could become dated, for example, if students turn to another concept for transporting school materials. References in science or mathematics items can also become obsolete over time, despite efforts to anticipate such problems.

- Items or passages become sensitive. For example, items about space shuttles had to be suspended after the recent shuttle tragedy. Sensitivities may occur and change over a period of years in ways that cannot be anticipated.
- Content Review Panel (CRP) perceptions of item acceptability change. In all state programs, there is a slight drift toward more or less rigor in how the standards are interpreted in terms of assessment. It is customary that some percentage of items becomes less acceptable as the state standards become incorporated into instructional materials and become widely used in classrooms.

4. *Item Reuse.* The fourth factor is the number of times an item is used. Historically, 50 percent of CST items have been refreshed each year, which means that half of all items may serve as equating or linking items. For CAHSEE, 70 to 75 percent of the items have been refreshed annually with a linking set of approximately 22 items.

As the 2004 CST forms were developed, ETS recommended refreshing 60 to 70% of the items on the 2003 tests. This recommendation was made to provide the SBE and CDE the greatest flexibility in developing a plan to release CST items. While 50% of the items had been refreshed in previous years, the additional refreshment was needed to allow for a releasable pool of items that would span all reporting clusters and be useable for detailing the various types of items used on the tests. The CDE concurred with the ETS' recommendation. While the 70% replacement model is consistent with the model used in other states, the refreshment rate will be returned to 50 percent as approved by SBE. The 2004 increased refreshment rate occurred with no change in the CST test development scope of work because all items were drawn from and returned to the existing CST item bank.

ETS recommends that items removed from operational forms remain unused in the item bank for approximately three years. This concept is consistent with industry practices for the security of test items, and it is especially important for CAHSEE, so that the test-taking cohort sees as few repeated items as possible.

With the 50 percent refreshment model, half of the items are used for two or sometimes three years in a row, but then they, too, should be allowed to rest for at least three years. The number of items ETS suggests for the item banks at equilibrium makes it possible to set aside a large majority of items for three-year periods. This design is reflected in Tables 5A-D and 6A-B. With this item bank model, half the items typically are used once every four years through the life of the test. Half the items are used twice every five years. The released items are taken from the pool after at least one use, although preference is given to former anchor items that have been used at least twice. As mentioned above, having a sizeable pool of items available for release does not mean that large numbers must or should be released. A large eligible pool is desirable because it gives flexibility in selection of items according to SBE specifications for the release.

With the 20-25 percent anchor set model, a smaller number of items is used two or three years in a row, and an even larger number can rest in the item bank for three or

more years. The released item strategy remains the same; released items are taken from the pool after at least one operational use and preference is given to items that have been used more than once.

With either model, the number of times an item could be used is the same. In theory, any single item in the bank could be used indefinitely at three-year intervals. However, ETS would recommend that, overall, items be used no more than five or six times after being field-tested, with suitable intervals of resting in the item bank. For ELA, ETS recommends four or five times of use after field-testing because passages tend to be more memorable than individual items.

The ELA Item Banks at Equilibrium

Cumulative inventories summarizing project item bank growth are shown in Tables 5A, 5B, 5C, and 5D for the CSTs and in Tables 6Aand 6B for CAHSEE ELA and mathematics. For each year from 1999 to 2011, the tables provide actual or predicted entries for the following variables:

- Items field-tested during that year;
- Usable items from field-testing added to the item bank (assuming survival rates of 80 percent for the ELA CSTs and 75 percent for the CAHSEE ELA);
- Items needed for operational forms during that year;
- Items released during that year;
- Items removed by attrition during the year (e.g., dated/sensitive items or due to changes in CRP approach); and
- The cumulative inventory of items after additions to and removals from the item bank.

As mentioned earlier, ETS recommends building all item banks with the goal of reaching an equilibrium number of 4 to 5 times the number of items annually required for building operational forms (5 to 6 times for ELA because of the passage-based items).

As shown in Table 5A, for the ELA CSTs, 730 operational items are required per year (130 for grades 2 and 3; 600 for grades 4 through 11). Taking this number times 6 yields 4380 items as the ideal number for the ELA bank. The desirable number of items at equilibrium would actually be about 4500 items, because the CSTs are divided into grades and should have sufficient numbers of passage-based items per grade.

Because of the current California budget crisis, ETS recommends that, beginning immediately, the growth of the ELA CST item bank be slowed, as shown in Table 5A. This slower growth would result in fewer items being developed and field tested in 2005 and 2006 than is called for in the current CST Scope of Work. As Table 5A shows, under the new plan the CST ELA item bank would then reach equilibrium in 2009.

Table 5A. Cumulative Item Inventory for the English Language Arts CSTs

Year	Items Field Tested	Usable Items Added to Bank (80% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999*	615	461	350	0	0	461
2000*	684	547	350	0	46	962
2001*	350	280	350	0	55	1187
2002*	950	760	350	0	28	1919
2003	1200	960	730	146	228	2505
2004	1356	1085	730	146	96	3348
2005	678	542	730	183	109	3598
2006	678	542	730	183	81	3876
2007	550	440	730	183	81	4052
2008	550	440	730	183	66	4243
2009	430	344	730	183	66	4338
2010	430	344	730	183	52	4447
2011	430	344	730	183	52	4556

* Includes estimated field-testing by previous vendor
Note: The increase in field-tested items in 2003 and 2004 is attributable to CSTs becoming stand-alone tests in 2003.

ETS makes similar recommendations for slowing the growth of the item bank in each of the other CST content areas, with the result that in all content areas fewer items would be field-tested than called for in the current CST Scope of Work. For mathematics, Table 5B shows that with the field-testing of 360 items in 2005, and 234 items in each of the subsequent years, the mathematics CST item bank will reach equilibrium in 2005 at between 3250 and 3300 items.

Table 5B. Cumulative Item Inventory for the Mathematics CSTs (Includes grades 2-7, Algebra I & II, Geometry, and Summative HS Mathematics)

Year	Items Field Tested	Usable Items Added to Bank (80% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999*	670	536	350	0	0	536
2000*	635	508	350	0	27	1017
2001*	350	280	350	0	25	1272
2002*	350	280	350	0	14	1538
2003	1158	926	650	130	14	2320
2004	1332	1066	650	130	46	3210
2005	360	288	650	163	53	3282
2006	234	187	650	163	29	3277
2007	234	187	650	163	19	3282
2008	234	187	650	163	19	3287
2009	234	187	650	163	19	3292
2010	234	187	650	163	19	3297
2011	234	187	650	163	19	3302

* Includes estimated field-testing by previous vendor
Note: The increase in field-tested items in 2003 and 2004 is attributable to CSTs becoming stand-alone tests in 2003.

Table 5C shows that the history-social science item bank will reach equilibrium in 2004 and will require only minimal amounts of field testing in subsequent years.

Table 5C. Cumulative Item Inventory for the History-Social Science CSTs

Year	Items Field Tested	Usable Items Added to Bank (80% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999	0	0	0	0	0	0
2000*	360	288	0	0	0	288
2001*	180	144	180	0	14	418
2002*	180	144	180	0	43	519
2003	360	288	195	39	7	761
2004	540	432	195	39	14	1140
2005	90	72	195	49	22	1141
2006	66	53	195	49	7	1138
2007	66	53	195	49	5	1137
2008	66	53	195	49	5	1136
2009	66	53	195	49	5	1135
2010	66	53	195	49	5	1134
2011	66	53	195	49	5	1133

Includes estimated field-testing by previous vendor
Note: additional item development was required in 2003-2004 because of test being moved from grade 9 to grade 8.

As shown in Table 5D, the science CSTs will take a few more years to reach equilibrium than either mathematics or history-social science. Table 5D assumes that two new tests are introduced operationally in 2006 and that the subject-specific tests remain as part of the CST battery. Equilibrium in science will most likely occur in 2008, with only minimal field-testing required thereafter.

Table 5D. Cumulative Item Inventory for the Science CSTs

Year	Items Field Tested	Usable Items Added to Bank (70% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999	0	0	0	0	0	0
2000*	240	168	0	0	0	168
2001*	240	168	240	0	8	328
2002*	240	168	240	0	8	488
2003	690	483	240	48	8	915
2004	864	605	300	60	24	1436
2005	420	294	300	75	30	1625
2006	420	294	420	105	29	1785
2007	420	294	420	105	29	1945
2008	420	294	420	105	29	2105
2009	198	139	420	105	29	2110
2010	198	139	420	105	14	2130
2011	198	139	420	105	14	2150

* Includes estimated field-testing by previous vendor
** Assumes that subject-specific science tests remain in the battery and that one operational form for middle school science and one for high school science are also operational this year.
Note: additional item development in 2003-2004 is due to additional of Grade 5 Science test.

For CAHSEE, the growth of the ELA and mathematics item bank does not need to be slowed, as item development for this contract is almost complete. The existing contract requires field-testing of 5880 multiple-choice ELA items and 5880 multiple-choice mathematics items. ETS has developed all of these items, and almost all of them have been approved. Only a few hundred items remain to be reviewed by CAHSEE committees in February 2004. However, not all of the 5880 items have been field-tested because the number of CAHSEE administrations was reduced from six to three in 2003 and from six to five in 2004. Additionally, for ELA the number of field test slots on each ELA form has been reduced from 12 to 7. Tables 6A and 6B show that the remaining items could be field-tested at a steady rate between 2005 and 2011, should the state desire.

Table 6A. Cumulative Item Inventory for CAHSEE ELA

Year	Items Field Tested	Usable Items Added to Bank (75% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999	0	0	0	0	0	0
2000*	500	375	0	0	0	375
2001*	500	375	168	60	38	652
2002	696	522	504	60	38	1076
2003	1488	1116	252	18**	157	2017
2004	1127	845	438	18	112	2732
2005	371	278	438	18	85	2907
2006	371	278	438	18	42	3125
2007	371	278	438	18	42	3343
2008	371	278	438	18	42	3561
2009	371	278	438	18	42	3779
2010	371	297	438	18	42	4016
2011	371	297	438	18	45	4250

* Includes estimated field-testing by previous vendor
** Note that 18 equals 25% of one CAHSEE ELA operational form with 73 items.

Table 6B. Cumulative Item Inventory for CAHSEE Mathematics

Year	Items Field Tested	Usable Items Added to Bank (70% of FT)	Items on Operational Forms	Items Released	Items Removed by Attrition	Cumulative Inventory
1999	0	0	0	0	0	0
2000*	500	350	0	0	0	350
2001*	500	350	80	60	18	622
2002	516	361	480	60	18	905
2003	1500	1050	320	20	18	1917
2004	1920	1344	480	20	53	3188
2005	276	193	480	20	67	3294
2006	276	193	480	20	19	3448
2007	276	193	480	20	19	3602
2008	276	193	480	20	19	3756
2009	276	193	480	20	19	3910
2010	276	193	480	20	19	4064
2011	276	193	480	20	19	4218

* Includes estimated field-testing by previous vendor
Note: The items in the secure disclosed form districts may use to retest students in the graduating classes of 2004 and 2005 are not included in the Items Released columns in Tables 6A and 6B.

Additionally, the CAHSEE contract requires that ETS build, for each content area, 24 forms over the life of the contract, 16 for "regular" administrations and eight for emergency use. These numbers represent a requirement of six operational and six emergency forms each year. Because there are now only five annual CAHSEE administrations, and because it is now clear that emergency forms will not often be used, the number of operational forms built for each content area could be reduced to six annually—five operational forms and one emergency form. As of October 2003, ETS has built eleven operational forms and one emergency form for each content area. For ELA, the lower number of forms would mean that the number of CAHSEE ELA operational items required annually would be 438, not the 730 now specified in the contract. This change would permit the CAHSEE ELA item bank to reach optimal size—six times the annual number of operational items—in 2004. Additional field-testing of the already developed items in 2005 through 2011 would increase the number of items in the ELA bank without significant additional expense to the state.

For CAHSEE mathematics, the number of operational items required annually would be 480, permitting the mathematics item bank to reach optimal size—five times the annual number of operational items—in 2004. Field-testing of the items ETS has already developed would increase the number of items in the mathematics bank with little additional expense. Table 6B shows this proposed field-testing of already developed items extending between 2005 and 2011. Table 7 gives an overview of the item bank equilibrium for both CAHSEE and CSTs in all content areas. This table shows the expected numbers of items field-tested and

surviving field-testing, the expected numbers of items released and removed due to attrition, and the items remaining in the bank by 2011.

Table 7. Summary of CAHSEE and CST Item Banks from 1999 to 2011

Totals	CAHSEE		California Standards Tests			
	ELA	Math	ELA	Math	Hist/SS	Science
Total Items Field Tested	6908	6868	8901	6259	2106	4548
Total FT Items Surviving	5217	4806	7089	5006	1686	3185
Total Release of Items	282	300	1573	1401	421	813
Total Expected Attrition	685	288	960	303	132	222
Items Remaining in Bank	4250	4218	4556	3302	1133	2150

The following diagram summarizes the inputs and outputs that create equilibrium in an item bank. The numbers of items in the chart show typical changes during a given year.

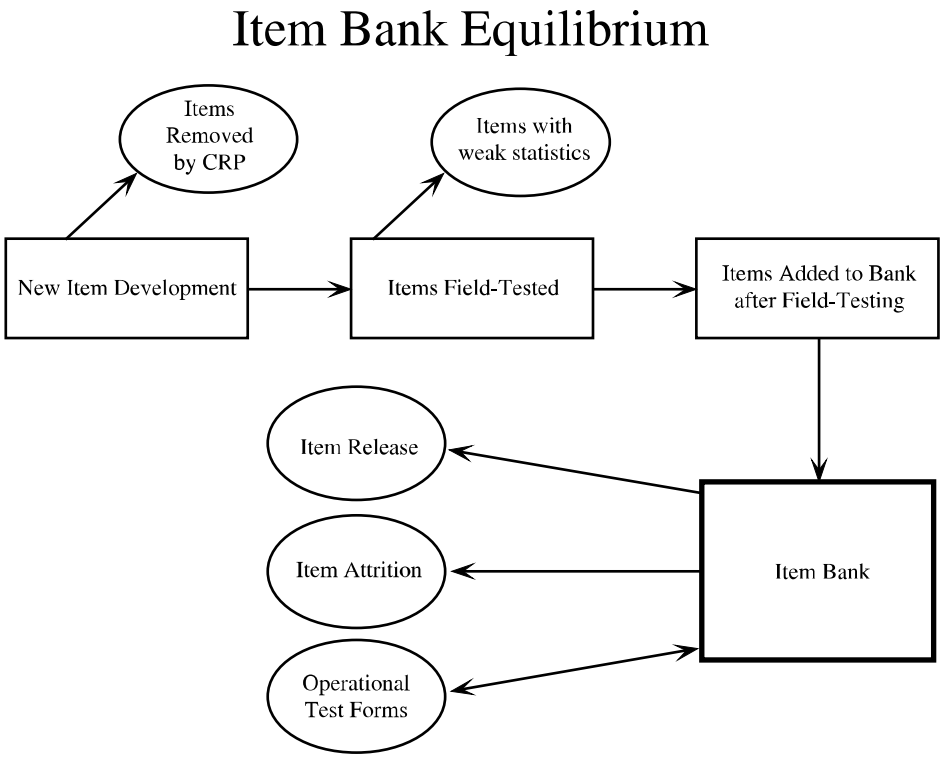

Table 8 shows the number of items that should be developed each year to produce and maintain item bank equilibrium for the CSTs in all content areas. The data are based on

the assumption that 80 percent of items taken by ETS to CRP review will be accepted for field-testing. ETS has had a 90 percent acceptance rate, on average, in English-language arts, mathematics, and history-social science and a 75 percent acceptance rate in science. The 80 percent figure has been used in this document because it represents an excellent acceptance rate according to general industry standards. Note that the bottom row giving the totals in Table 8 does not calculate to the 80 percent ratio because the numbers of items taken to the CRPs in 1999 and 2000 are unknown.

Table 8. California Standards Test Item Development from 1999 to 2011

	English Language Arts		Mathematics		History / Social Science		Science	
Year	Reviewed by CRP (80% acceptance rate)	Field Tested	Reviewed by CRP (80% acceptance rate)	Field Tested	Reviewed by CRP (80% acceptance rate)	Field Tested	Reviewed by CRP (70% acceptance rate)	Field Tested
1999	HEM (unknown)	615	HEM (unknown)	670	HEM (unknown)	0	HEM (unknown)	0
2000	HEM (unknown)	684	HEM (unknown)	635	HEM (unknown)	360	HEM (unknown)	240
2001	438	350	438	350	225	180	343	240
2002	1188	950	438	350	225	180	343	240
2003	1500	1200	1448	1158	450	360	986	690
2004	1695	1356	1665	1332	675	540	1234	864
2005	848	678	450	360	113	90	600	420
2006	848	678	293	234	83	66	600	420
2007	688	550	293	234	83	66	600	420
2008	688	550	293	234	83	66	600	420
2009	538	430	293	234	83	66	283	198
2010	538	430	293	234	83	66	283	198
2011	538	430	293	234	83	66	283	198
Total	9507	8901	6197	6259	2186	2106	6155	4548

Item Release
The following paragraphs summarize ETS's understanding of the plan to be presented to SBE for the release of items, based on the item-utilization concepts in this document.

Audiences for the Release
It is ETS's understanding that there are two main audiences to be served by the release of test items. The first is the general public, including parents, community members and the press, who wish to have a better sense of what the tests measure and also want to be assured that the tests are fair to students. The second audience is educators and upper-grade students, who wish to understand how the California Content Standards are measured on state assessments so that standards-based instruction can be improved.

A Plan for the General Public
For the general public, including parents, community members and the press, ETS understands that SBE and CDE may want to see one item from each grade and content area (at least for ELA and mathematics) treated as an "exemplar" item. Each exemplar item would be presented in a context that clarifies the relationship between assessment, standards, and instruction. The context might include, for example, explanations of how the selected item tests the standard, which components of the standard would be tested by other items, how the underlying concept or skills in the standard are expressed at other grade levels, and how the distractors function within the item.

If SBE approves, ETS will ask the CRP members in their first 2004 item review meetings (to be held between January and March) to approve a prototype exemplar treatment and to select items to be given exemplar treatment. The CRP would choose exemplar items from the sets of items that they approved for release in 2003. ETS will rely on the SBE and CDE providing the CRP with criteria for selection of the exemplars. Once the exemplars are written, ETS will give them to CRP members for review and approval. This plan would allow for development of the exemplars, approval by the CRPs, and publication of the exemplars prior to the next major score release and press event in the state, the CAHSEE data from the March administration.

A Plan for Educators
For educators, ETS understands that SBE and CDE would like to release items in a similar manner to the 2002 CAHSEE release. That is, mathematics, science, and history-social science items would be grouped according to strand or reporting cluster. ELA items would be grouped by passage. Each group would be preceded by a page or half-page of text describing the content of the strand. The language in the introductory text would be taken from the standards and frameworks. Each group of items would be followed by a table giving the answer keys and the standards measured by the items. It is our understanding that statewide p-values (percentage correct) would not be provided in this release. ETS would be pleased to prepare items in this format or in any other SBE-approved format.

Numbers of Items to Be Released
Table 4 in this document shows ETS's understanding of the percentages and numbers of released items for the CSTs and CAHSEE for 2003, as requested by the SBE and CDE. Under this plan, a full operational form of each CST could be released after five years. ETS understands that the issue of whether or not the full released form would exactly replicate the blueprint is an open issue. Similarly, whether or not the full released form would replicate the statistical parameters of an actual test is also an open question. Whether or not, over time, items should be presented in relation to the California performance levels (e.g., proficient, advanced) is also to be determined. Finally, ETS understands that SBE may wish to release items according to the depth of coverage in the item bank. Resolution of these questions will be important as the sets of items for 2004 release are selected. Another open question is the treatment of the few standards that are "rotated" annually or biannually.

Selection of Items for 2003 Release
For the CST released items, ETS selected, in January 2003, a draft set of items for potential release. Each set contained approximately 20 percent of an operational form.

The criteria for the initial selection included the following:

- At least one item was included from every reporting cluster;
- Items represented a range of standards on the operational form;
- Items represented a range of difficulties; and
- Items represented a range of performance levels (e.g., basic, proficient).

ETS presented these items to each CRP at the initial 2003 meeting. At this meeting, the CRP members saw the draft sets as well as the other items eligible for release, and they made changes in the sets as desired. ETS presented the revised sets at the next CRP meeting, where panel members again had the opportunity to make changes. This process was repeated twice more, so that the CRP members saw the released item sets at each of four meetings held between January and July.

Selection of Items for 2004 Release
We have described the specifications and process used for selection of the 2003 items as context for the SBE to determine what process should be used for 2004 and subsequent years. ETS will be pleased to follow the wishes of the SBE for both the specifications and process to be used.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 9

NOVEMBER 2003 AGENDA

SUBJECT		
Golden State Seal Merit Diploma: Eligibility Requirements	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

It is recommended that State Board of Education (SBE) allow students to use a combination of previously earned Golden State Examination (GSE) results and California Standards Test (CST) scaled scores to qualify for the Golden State Seal Merit Diploma and that districts be provided with an electronic copy of the Golden State Seal Merit Diploma to award to qualifying graduates.

Summary of Previous State Board of Education Discussion and Action

SBE approved the "senior waiver" for the 2003 Golden State Seal Merit Diploma on April 9, 2003. This waiver was available to seniors who were prevented from meeting the Diploma requirements due to GSE Program changes and reductions. The waiver allowed seniors to use a CST scaled score of 350 or above to meet the subject area requirements.

Summary of Key Issue(s)

- GSEs are identified as the means to demonstrate mastery of the high school curriculum in *California Education Code* section 51452. Due to funding cuts to the GSE Program in March 2003 and the repeal of the program in September 2003, students no longer have the opportunity to take GSEs and earn the Golden State Seal Merit Diploma with GSE results. In order to continue the Golden State Seal Merit Diploma and allow students to qualify for the Diploma, other exams need to be identified.

- Since the GSEs were and the CSTs are designed to assess student achievement on California's Academic Content Standards for specific courses, it is appropriate to use CST scores in lieu of GSE results.

- Currently, very few students can qualify for the Diploma using only GSE results or only CST scores. GSEs are no longer being given, and CSTs have reported scaled scores for 2002 and 2003 only. Therefore, it is recommended that a combination of results be allowed as long as students have qualifying GSE results available. Eventually, Diploma eligibility would be based solely on CST scores.

- California Department of Education staff analyzed GSE and CST data to identify

Summary of Key Issue(s)

CST scaled scores comparable to GSE results of recognition, honors, and high honors and identified the following three options:

1. Students must earn the advanced performance level on each CST used to qualify for the Diploma.

2. Students must earn a scaled score of 370 or above on each CST used to qualify for the Diploma.

3. Students must earn specific scaled scores that equate to the GSE performance levels of recognition, honors, and high honors for each CST used to qualify for the Diploma.

Option 2, using a scaled score of 370 or above, is recommended. Option 1, using the advanced performance level, underscores the highly selective intent behind the Diploma, but would disqualify an unacceptable number of students. Option 3 results in different scaled scores for each CST. While coming close to duplicating the Diploma achievement rates observed in the 2002 GSE administrations, the variation in scaled scores would result in a difficult and time-consuming process for identifying eligible students and verifying scores by district/school personnel. In addition, there are no matching GSEs for 11 CSTs and; therefore, no identified scaled scores for these exams. Option 2 represents a compromise between these two extremes in that it comes reasonably close to duplicating the 2002 Diploma rates and provides district/school personnel with an easier process for identifying eligible students and verifying scores.

- Review of the eligibility information and printing of the Golden State Seal Merit Diplomas was done by the GSE contractor, but funding no longer exists. An alternate method for providing the diplomas is needed.

Fiscal Analysis (as appropriate)

Minimal cost to the State.

Attachment(s)

Attachment 1: Eligibility Requirements for the Golden State Seal Merit Diploma (Pages 2)

Eligibility Requirements for the Golden State Seal Merit Diploma

The following information has been prepared to help school and district staff identify graduating seniors eligible to receive the Golden State Seal Merit Diploma. Beginning in 2004, and thereafter, students may use results from previously taken Golden State Examinations (GSEs) and/or California Standards Tests (CSTs) to qualify for the diploma.

To be eligible for the Golden State Seal Merit Diploma, students must:

- Be receiving a high school diploma from their district.

- Have earned designated results on six qualifying examinations. Results from GSEs and/or CSTs may be used. When using GSE results, students must have earned a performance level of recognition, honors, or high honors. When using CST results, students must have earned a scaled score of 370 or above. The six examinations include:

    1. The Grade 11 History-Social Science CST (United States History and Geography)
    2. One of the following English-language Arts exams:

CST	GSE
Grade 10 ELA	Reading
Grade 11 ELA	Writing

    3. One of the following mathematics exams:

CST	GSE
Algebra I	First-year Algebra
Algebra II	Geometry
Geometry	High School Mathematics
High School Summative Mathematics	
Integrated Mathematics 1, 2, or 3	

    4. One of the following science exams:

CST	GSE
Biology	Biology
Chemistry	Chemistry
Physics	Physics
Earth Sciences	Second-year Coordinated Science
Integrated/Coordinated Science 1, 2, 3, or 4	

    5. Two exams of the student's choice. To meet this requirement, students may choose from the following:
        - an examination listed above not used to meet another requirement.
            - English-Language Arts Exception–Students may use only one English-Language Arts exam as an elective. For example:

Students may not use the Grade 11 ELA CST to fulfill the ELA requirement and the GSE in Reading and GSE in Writing to fulfill the two electives.
Math and Science Exception – Students **may not** use both the GSE and CST in the **same** subject area. For example: Students may not use the GSE in Geometry to fulfill the math requirement and the Geometry CST to fulfill the elective requirement or the GSE in Biology to fulfill the elective requirement and Biology CST to fulfill the science requirement.

- the grade 10 History-Social Science CST;
- the GSE in Economics;
- the GSE in Government/Civics; and
- the GSE in Second-year Spanish Language.

Schools/districts are responsible for identifying eligible students. Beginning in 2004, schools will identify eligible students and submit the information to the district. The district will be responsible for reviewing and maintaining all records necessary to validate awarding the Golden State Seal Merit Diploma. An electronic color-copy of the Golden State Seal Merit Diploma will be provided to districts. Districts may choose to complete the diploma, print a color-copy, and award the diploma to students at their graduation ceremony.

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 10

NOVEMBER 2003 AGENDA

SUBJECT		
Standardized Testing and Reporting (STAR) Program: Adoption of Amended Title 5 STAR Regulations	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Consider comments received during the public comment period and at the public hearing and take action on the regulations.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved the Notice of Proposed Rulemaking, the proposed amendments to the STAR Regulations, and the beginning of the 45-day comment process at its meeting on September 11, 2003.

Summary of Key Issue(s)

At its September 2003 meeting, SBE approved proposed amendments to the Title 5 STAR Regulations. The proposed amendments add requirements related to the California Alternate Performance Assessment (CAPA), modify the accommodation policy related to English learners to comply with requirements of No Child Left Behind (NCLB), and modify the District STAR Coordinator Security Agreement to enhance test security.

The Notice of Proposed Rulemaking and proposed STAR Regulations were mailed out on September 22, 2003, and the public hearing was set for 10 a.m., on November 10, 2003. Written public comments may be submitted until 5 p.m., on the day of the public hearing. CDE will summarize and present the public comments at the November 12, 2003, SBE meeting.

If SBE makes revisions to the proposed amendments at this meeting, the revised regulations will be sent out for an additional 15-day comment period. If this occurs, there will need to be a special SBE meeting to receive and review the public comments and adopt the amended regulations before November 30, 2003. Adoption of section 853.5 before November 30, 2003, is required to comply with the requirements of NCLB.

Fiscal Analysis (as appropriate)

The California Department of Education reviewed the proposed amendments and determined that there are no additional costs associated with them.

Attachment(s)

Attachment 1: Title 5. EDUCATION, California State Board of Education, Notice of Proposed Rulemaking, STAR Program (Pages 4)

Attachment 2: Proposed Regulations, Title 5. EDUCATION, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 3.75. Standardized Testing and Reporting Program, Article 1. General, Sections 850, 852, 853, 853.5, and 859 (Pages 9)

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street; P.O. Box 944272
Sacramento, CA 95814-5901

TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Standardized Testing and Reporting Program
[Notice published September 26, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at 10 a.m. on November 10, 2003, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on November 10, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0641
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Sections 12001, 33031 and 60605, Education Code.

Reference: Sections 60615, 60640, 60642, and 60642.5, Education Code; 20 USC Section 6311.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Education Code section 60605(f) states, "The State Board of Education shall adopt regulations for the conduct and administration of the testing and assessment program." Section 60605(g) requires the State Board of Education to adopt a regulation for minimum-security procedures to ensure the security and integrity of test and assessment questions and materials.

The purpose of these amended regulations is to modify regulations previously adopted by the State Board of Education to:

- Conform to legislative changes in the California Education Code.
- Expand and clarify sections related to ensuring the security and integrity of test and assessment questions and materials where the lack of clarify has resulted in security breaches.
- Replace terms that are no longer used in the Program.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulations will have no affect on small businesses because they only apply to local educational agencies.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Linda Lownes, Consultant
Standards and Assessment Division
California Department of Education
1430 N Street, 5th Floor
Sacramento, CA 95814
E-mail: llownes@cde.ca.gov
Telephone: (916) 445-9441

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0584.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at http://www.cde.ca.gov/regulations.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 2. Pupils

Subchapter 3.75. Standardized Testing and Reporting Program

Article 1. General

Amend Sections 850, 852, and 853 to read:

§ 850. Definitions.

For the purposes of the Standardized Testing and Reporting (STAR) program, the following terms shall have the following meanings unless the context indicates otherwise:

(a) "Designated achievement test" is the achievement test required by Education Code section 60640(b). The designated achievement test includes test booklets, test answer documents, administration manuals, and administrative materials~~, and practice tests~~. The designated achievement test is to be administered in the areas of reading, spelling, written expression and mathematics for pupils in grades 2 to 8, inclusive; and in the core curriculum areas of reading, writing, mathematics, history/social science and science for pupils in grades 9 to 11, inclusive.

(b) "Primary language test" includes any test administered pursuant to Education Code section 60640(f) or a test administered pursuant to the requirement of Education Code section 60640(g), as applicable, and includes the test booklets, test answer documents, administration manuals, administrative materials and practice tests.

(c) "School districts" includes school districts, county offices of education, and any charter school that does not elect to be part of the school district or county office of education that granted the charter.

(d) "Eligible pupil" is any pupil in grades 2 to 11, inclusive, who is not otherwise exempted.

(e) "Department" means the California Department of Education.

(f)(1) "Standards-based achievement tests" are those tests that measure the degree to which pupils are achieving the content standards and performance standards adopted by the State Board of Education as provided in Education Code section 60642.5. The standards-based achievement tests include test booklets, test answer documents, administration manuals, administrative materials, practice tests and other materials developed and provided by the publisher of the tests.

(2) The term "standards-based achievement test" may refer to one or more of the individual achievement tests in the subject of core curriculum areas required by Education Code section 60642.5, or

all of the standards-based achievement tests collectively.

(g) "~~Wave testing~~ Administration Period" means one of multiple test administration periods by school districts with schools or programs on non-traditional calendars that begin and complete the school year at various times and have staggered vacation periods, in order to ensure that all pupils are tested at approximately the same point in the instructional year.

(h) "The California Alternate Performance Assessment" (CAPA) is an individually administered performance assessment developed to assess students' achievement on a subset of California's Academic Content Standards. It is administered to students receiving special education services who are significantly cognitively disabled. The CAPA includes administration manuals, administrative materials, and documents on which the examiner records the student's responses.

(i) "Out-of-level testing' means administering a test that is below the grade level of the pupil being tested.

(j) "Scribe" is an employee of the school district, or a person assigned by a nonpublic school to implement a pupil's IEP and is required to transcribe a pupil's or adult student's responses to the format required by the examination. A family member or guardian is not eligible to be a scribe.

(k) "Accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. Accommodations" may include variations in scheduling, setting, aids, equipment, and presentation format.

(l) "Modification" means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.

(m) "Variation" is a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code section 60850.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60615, 60640, 60642 and 60642.5, Education Code.

§ 852. Pupil Exemptions.

(a) A parent or guardian may submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640. A school district and its employees may discuss the Standardized Testing and Reporting program with parents and may inform parents of the availability of exemptions under Education Code section 60615. However, the school

district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

(b) Pupils in special education programs shall be tested with the designated achievement test and the standards-based achievement tests unless the individualized educational program for the pupil specifically ~~exempts the pupil from the Standardized Testing and Reporting program~~ states that the pupil will be assessed with the California Alternate Performance Assessment or (CAPA).

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Sections 60615 and 60640, Education Code.

§ 853. Administration.

(a) The designated achievement test ~~and the standards-based achievement tests, which include all those materials set forth in Section 850,~~ shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the ~~publishers~~ contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information.

~~(b) Except as provided in Subdivision (c), the reading section of any test shall not be read, interpreted, or translated to any pupil and no pupil may use a calculator while taking the designated achievement test or the standards-based achievement tests.~~

(b) The standards-based achievement tests and the California Alternate Performance Assessment shall be administered and returned by school districts in accordance with the manuals and other instructions provided by the contractor, and in accordance with testing variations, accommodations, and modifications specified in Section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information.

~~(c) Pupils in special education programs with individualized education programs delineating accommodations such as, but not limited to, large print, Braille, extended time, or the use of a reader or scribe or a calculator; or pupils with current plans under Section 504 of the Rehabilitation Act of 1973 specifying such accommodations shall be tested and the prescribed adaptations or accommodations shall be made.~~

(c) For the 2003-04 school year only, pupils with IEPs in grades 5 through 11 may be tested one or two grades below their enrollment grade. The test level must be specified in the student's IEP. Out-of-level testing shall be used only if the student is not receiving grade-level instruction. Students tested out-of-level must complete all tests required for the grade at which they are tested and shall be administered only one level of the tests. Out-of-level testing is not allowed for pupils in grades 2, 3, and 4. No out-of-level testing shall be allowed at any grade beginning with the 2004-05 school year.

~~(d) English language learners enrolled in the school district for less than one year may be tested with standard or nonstandard accommodations in accordance with the manuals or other instructions provided by the test publisher. Nonstandard accommodations shall be utilized only if the school district has adopted a policy to be applied at each school to identify those English learners enrolled in the school district for less than one year for whom nonstandard accommodations may be appropriate due to the pupil's limited English proficiency. Nonstandard accommodations may include, but are not limited to, reading and translating the test instructions into the pupil's primary language and use of a bilingual dictionary.~~

~~(e) Except for pupils in special education programs with individualized education programs and pupils with section 504 plans or English language learners enrolled in the school district for less than one year, no pupil shall be tested with accommodations or modifications.~~

NOTE: Authority cited: Sections 12001, 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60640, Education Code; 20 USC 6311.

Add new section 853.5 to read:

§ 853.5 Use of Variations, Accommodations, and Modifications for the Standards-Based Achievement Test and the California Alternate Performance Assessment.

(a) School districts may provide all pupils the following testing variations if regularly used in the classroom:

(1) test directions that are simplified or clarified.

(2) special or adaptive furniture.

(3) special lighting or acoustics.

(4) an individual carrel or study enclosure.

(5) test individually in a separate room provided that an employee of the school, district, or non-public school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.

(6) markers, masks, or other means to maintain visual attention to the examination or test items.

(b) Eligible pupils with disabilities who have IEPs and students with Section 504 plans shall be permitted to take the standards-based achievement tests with the following presentation, response or setting accommodations if specified in the IEP or Section 504 plan:

(1) large print versions~~;~~.

(2) test items enlarged through electronic means (e.g., photocopier).

(3) Braille transcriptions provided by the test contractor.

(4) use of manually coded or American sign language to present directions for administration.

(5) audio or oral presentation of the mathematics tests.

(6) use of manually coded or American sign language to present test questions on the mathematics tests.

(7) responses marked in test booklet and transferred to the answer document by a school or district employee who has signed the Test Security Affidavit.

(8) responses dictated to a scribe for selected-response items (e.g., multiple-choice test questions).

(9) responses dictated to a scribe, audio recorder or speech to text converter on the grade 4 or grade 7 writing application standards section of the California English-Language Arts Standards Test, and the pupil indicates all spelling and language conventions.

(10) use of word processing software with spell and grammar check tools turned off on the writing portion of the grade 4 or 7 test.

(11) use of an assistive device that does not interfere with the independent work of the student on the writing portion of the test.

(12) supervised breaks within a section of the test.

(13) administration of the test at the most beneficial time of day to the pupil.

(14) test administered by certificated teacher to a pupil or adult student at home or in the hospital.

(c) Eligible pupils with disabilities shall be permitted to take the standards-based tests with the following modifications if specified in the eligible pupil's IEP:

(1) calculators on the mathematics or science tests.

(2) audio or oral presentation of the English-language arts tests.

(3) use of manually coded or American sign language to present test questions on the English-language arts tests.

(4) spellcheckers, grammar checkers, or word processing software programs that check or correct

spelling and/or grammar on the writing portion of the grade 4 and 7 English-language arts tests.

(5) mechanical or electronic devices or other assistive devices that are not used solely to record the pupil's responses, including but not limited to transcribers, scribes, voice recognition or voice to text software, and that identify a potential error in the pupil's response or that correct spelling, grammar or conventions on the writing portion of the grade 4 and 7 English-language arts tests.

(6) use of American sign language to provide a response to the written portion of the grade 4 and 7 English-language arts tests.

(7) English dictionary on the English-language arts test.

(8) mathematics dictionary on the mathematics section of the examination.

(d) School districts shall provide English learner pupils the following additional testing variations if regularly used in the classroom or for assessment:

(1) Flexible setting. Tested in a separate room with other English learners provided that an employee of the school, district, or non-public school, who has signed the Test Security Affidavit, directly supervises the pupil and the pupil has been provided such a flexible setting.

(2) Flexible schedule. Additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.

(3) Translated directions. Hear any test directions the test examiner is to read aloud translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.

(4) Glossaries. Access to glossaries/word lists for the standards-based achievement tests in mathematics, science, and history-social science if used regularly in the classroom (English to primary language). The glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries/word lists shall include no definitions or formulas.

NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640, Education Code; 20 USC 6311.

Amend 859 to read:

§859. STAR Test Security Agreement and Test Security Affidavit.

(a) All STAR program district and test site coordinators shall sign the STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR tests or test materials.

(b) The STAR Test Security Agreement shall be as follows:

STAR TEST SECURITY AGREEMENT

The coordinator acknowledges by his or her signature on this form that the designated achievement test and the standards-based achievement tests are secure tests and agrees to each of the following conditions to ensure test security.

(1) The coordinator will take all necessary precautions to safeguard all tests and test materials by limiting access to persons within the school district with a responsible, professional interest in the tests' security.

(2) The coordinator will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be required by the coordinator to sign the STAR Test Security Affidavit that will be kept on file in the school district office.

(3) The coordinator will keep the tests and test materials in a secure, locked location limiting access to only those persons responsible for test security except on actual testing dates as provided in California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 3.75.

(4) The coordinator will not copy any part of the test or test materials without written permission from the Department to do so.

(5) The coordinator will not review test questions, develop any scoring keys or review or score any pupil responses except as required by the contractor's manuals.

By signing my name to this document, I am assuring that I and anyone having access to the test materials will abide by the above conditions.

By:_____

Title:_____

School District:_____

Date:_____

(c) Each STAR test site coordinator shall deliver the tests and test materials only to those persons actually administering the designated achievement test and the standards-based achievement tests on the date of testing to persons trained to administer the test who have executed the STAR Test Security Affidavit set forth in Subdivision (e).

(d) All persons having access to the designated achievement test and test materials and to the standards-based achievement tests and test materials shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in Subdivision (e).

(e) The STAR Test Security Affidavit shall be as follows:

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to the designated achievement test and to the standards-based achievement tests for the purpose of administering the test(s). I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the test to any other person through verbal, written, or any other means of communication.

(2) I will not copy any part of the test(s) or test materials.

(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test.

(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.

(6) I will no disclose, or allow to be disclosed, the contents of, or the test instrument. I will not review any test questions, passages, or other test items with pupils before, during, or following testing.

(7) I will not develop scoring keys or review or score any pupil responses except as required by the publisher's administration manual(s) to prepare answer documents for machine or other scoring.

(8) I will return all test materials to the designated STAR test site coordinator daily upon completion of testing.

(9) I will administer the test in accordance with the directions for test administration set forth in the publisher's manual for test administration.

Signed:_____

Print Name:_____

Position:_____

School:_____

School District:_____

Date:_____

(f) To maintain the security of the program, all STAR program district coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code. Reference: Section 60640, Education Code.

9-10-03

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/10/03**

From: **Geno Flores, Deputy Superintendent**
Assessment and Accountability Branch

Re: **ITEM #10**

Subject: **STANDARDIZED TESTING AND REPORTING (STAR) PROGRAM—ADOPTION OF AMENDED TITLE 5 REGULATIONS**

Background

At its September 2003 meeting, the State Board approved commencement of the rulemaking process for amending the Title 5 STAR Regulations. The public comment notice was published on September 26, 2003, and a public hearing was held on November 10, 2003.

Report on Public Hearing

Consistent with the requirements of the Administrative Procedure Act, the public hearing regarding the proposed amendments was scheduled for Monday, November 10, at the California Department of Education (CDE), 1430 N Street, Room 1101, Sacramento, California, beginning at 10 a.m. An audiotape of the public hearing was made, and Maryanna Rickner will provide a copy of the audiotape to any State Board member desiring a copy.

The public hearing was called to order at 10 a.m. on the prescribed date and at the prescribed location. One person provided comments at the public hearing. The public hearing was adjourned at 10:33 a.m.

Two comments were received during the public comment period, that ended at 5:00 p.m. on Monday, November 10, 2003. The two comments have been summarized and responses provided to the Board in this memorandum.

Summary of Public Comments/Key Issues

- The term “significant cognitive disability” is not defined.
- Individuals with Disabilities Education Act (IDEA) 97 specifies alternate assessments meaning that there should be more than one option.
- California needs norm-referenced and standards-based tests in Spanish.
- The testing variations for English learners are inadequate.

A summary of the comments and responses by section follows.

Staff Recommendation
Recommend that the State Board adopt the amendments for the regulations with no changes.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF SEPTEMBER 26, 2003 THROUGH NOVEMBER 7, 2003, AND THE PUBLIC HEARING, NOVEMBER 10, 2003.

Comment: Ann Halvorsen, Professor Special Education, California State University, Hayward, via e-mail, commented that "significant cognitive disability" is not defined for California Alternate Performance Assessment (CAPA) and recommended using, "individual with a moderate to severe cognitive disability." (Section 850(h))

She also commented that Section 852(b) identifies CAPA as the sole alternate assessment, and that IDEA 97 states alternate assessments. Therefore, it seems inappropriate to name only CAPA, if more than one alternate is required.

Response: The proposed regulations comply with the provisions of the federal No Child Left Behind (NCLB) Act that require the state to have an alternate assessment for students with significant cognitive disabilities. The term "significant cognitive disabilities" is taken directly from the federal requirements. The federal NCLB Act requires that the assessments be the same for all students. The CAPA meets the NCLB requirements.

Comment: Susanne Starecki, Law Clerk Ruiz and Sperow, LLP, commented on Section 853.5(d):

- California needs a norm referenced and a standards based achievement test in Spanish to comply with the NCLB.
- The additional testing variations in the proposed regulations are inadequate.
- The proposed regulations fail to provide sufficient means to measure school-based progress.

The testing variations are viewed as inadequate, because that they do not ensure that the performance of English learners will be accurately measured. Providing translated directions (§ 853(d)(3) and glossaries (§ 853(d)(4) do not assist English learners who do not comprehend the content of the tests. Additionally, glossaries are not helpful because the tests are timed.

Response: The federal NCLB Act requires testing all students on the state's academic content standards not with a norm-referenced test. Limited federal funds are available for developing standards-based tests in Spanish, but at this time there is no authorizing legislation to allow for this.

The proposed testing variation amendments for English learners comply with provisions of the federal NCLB Act and were developed in accordance with a compliance agreement between California and the United States Department of Education. NCLB

requires that the state allow the same testing variations for all English learners statewide. These amendments allow all English learners to use the same testing variations. The California Standards Tests are used to meet the NCLB assessment and accountability requirements. These are untimed tests.

The STAR regulations do not include accountability provisions for schools or districts. These are included in regulations related to NCLB Adequate Yearly Progress and the Academic Performance Index.

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 11

NOVEMBER 2003 AGENDA

SUBJECT: 2004-05 State Board of Education Student Member: Interview of Six Candidates and Selection of Three Finalists.	X ACTION X INFORMATION PUBLIC HEARING

RECOMMENDATION:
Have the Screening Committee interview the six candidates for the position of 2004-05 State Board of Education Student Member and, from among them, recommend for action by the State Board the selection of the three finalists for that position to be forwarded to the Governor for appointment consideration.

Summary of Previous State Board of Education Discussion and Action.

In keeping with the requirements of Education Code Section 33000.5(e)(5), the Screening Committee interviews six candidates (chosen by a specified process) and, from among them, the Screening Committee recommends (and the State Board then selects) the three finalists for the position of Student Member (for the forthcoming year). The three finalists are presented to the Governor who appoints one of them as the following year's Student Member.

Summary of Key Issue(s).

It is anticipated that the Screening Committee will interview the six candidates and prepare its recommendation of the three finalists during the lunch recess on Wednesday, November 12. Action on the Screening Committee's recommendation is anticipated on the afternoon of Wednesday, November 12, or on Thursday, November 13.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

It is anticipated that the six candidates will be selected at the Student Advisory Board on Education conference on Monday, November 10 (by secret ballot). Information about each of the six, therefore, will be presented to the Screening Committee on Wednesday, November 12.

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111
Sacramento, CA 95814-5901
(916) 319-0827

P.O. Box 944272
Sacramento, CA 94244-2720
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November 12, 2003

REPORT OF THE SCREENING COMMITTEE

Item 11, November 2003 Agenda
Selection of Three Finalists to be Recommended to the Governor
2004-05 Student Member on the State Board of Education

At today's meeting, the Screening Committee selected the following students to be the three finalists recommended by the State Board to the Governor (in the order shown) for appointment consideration as the 2004-05 Student Member on the State Board of Education. Acknowledged on the next page are the three candidates interviewed this morning, who were not selected by the Screening Committee, as well as the six semifinalists who were not advanced to candidate status in the balloting at the 2003-04 Student Advisory Board on Education conference. A motion for the full Board to approve the Screening Committee's selections would be in order.

Finalists to be recommended to the Governor:

Mark Murphy
Santa Rosa, California
Montgomery High School

Lara Takasugi
Northridge, California
North Hollywood High School

Ricky Gill
Lodi, California
Tokay High School

Candidates not recommended for advancement to Finalist status:

AJ Crocker
Diamond Springs, California
Union Mine High School

Pablo Friedmann
San Diego, California
Rancho Bernardo High School

Colette Hinckley
Danville, California
San Ramon Valley High School

Semifinalists who were not advanced to Candidate status:

Rhett Dornbach-Bender
Apple Valley, California
Granite Hills High School

Alana Finlay
Duarte, California
Duarte High School

Kady Lyons
Torrance, California
Torrance High School

Kevin O'Herin
La Mirada, California
La Mirada High School

Chris Wihlidal
Stockton, California
Amos Alonzo Stagg High School

Gabriel Zacarías
Santa Maria, California
Santa Maria High School

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 12

NOVEMBER 2003 AGENDA

SUBJECT: Screening Committee review of applications and selection of applicants to be interviewed for appointment to the Curriculum Development and Supplemental Materials Commission.	X ACTION X INFORMATION PUBLIC HEARING

RECOMMENDATION:
Have the State Board's Screening Committee review the applications for appointment to the Curriculum Development and Supplemental Materials Commission. Select the applicants to be interviewed. At the State Board's discretion, the decision on those applicants to be interviewed may be left with the Screening Committee or ratified by the full Board.

Summary of Previous State Board of Education Discussion and Action.

The State Board is to appoint four individuals to the Curriculum Commission whose four-year terms will commence January 1, 2004. In addition, there is one vacancy on the Curriculum Commission for a term that has two years remaining (ending December 31, 2005). Finally, there will be one current term that ends December 31, 2004; on one occasion, the State Board chose to make (at this point) a deferred appointment to fill that forthcoming vacancy from among the current applications.

Typically, the State Board has deferred the decision on applicants to be interviewed to its Screening Committee, though on occasion the full Board has made the decision on those to be interviewed based on the Screening Committee's recommendation. It is customary to interview two or three individuals for each position to be filled. At the Screening Committee's discretion, the interviews may be held between the November 2003 and January 2004 meetings, or may be held at the January 2004 meeting.

Summary of Key Issue(s).

The State Board is to ensure that at least seven of the Curriculum Commission's 16 public members are classroom teachers (or mentor teachers) at the time of appointment. Information will be provided at the Screening Committee meeting as to the anticipated number of teachers needed to satisfy the statutory requirement in 2004 and 2005.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

The Screening Committee members will be provided copies of the applications for appointment to the Curriculum Commission, along with any other State Board member so requesting. The same information will be available for public inspection at the State Board Office.

STATE OF CALIFORNIA GRAY DAVIS, *Governor*

CALIFORNIA STATE BOARD OF EDUCATION

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November 13, 2003

REPORT OF THE SCREENING COMMITTEE

Item 12, November 2003 Agenda
Selection of Applicants to be Interviewed for Appointment
Curriculum Development and Supplemental Materials Commission

At yesterday's meeting, the Screening Committee selected the following applicants for appointment to the Curriculum Commission to be interviewed at a special meeting of the committee to be arranged between now and the January 2004 State Board meeting.

Candidate #02
Ms. Wendy A. Levine
Teacher (Grade 3)
Inglewood Unified SD

Candidate #05
Ms. Judith D'Amico
Vice President
Communications and Public Relations
Wetsel-Oviatt

Candidate #06
Mr. Charles T. Salter, Jr.
Principal
Aliso Niguel High School
Capistrano Unified SD

Candidate #07
Ms. Rebecca M. Brown
School Improvement Coordinator
Sacramento City Unified SD

Candidate #09
Ms. Mary-Alicia McRae
Teacher on Special Assignment
Salinas City Elementary SD

Candidate #10
Dr. Charles H. Sie
Founding Chairman
Aviva Biosciences Corporation

Candidate #16
Mr. Austin Dragon
Regional Recruiter, American Red Cross
President, E4, Inc.

Candidate #17
Mr. Lan Quoc Nguyen
Attorney (self-employed)
Board of Education Member
Garden Grove Unified SD

Candidate #22
Dr. Charles Thomas Munger, Jr.
Retired experimental physicist
University of California, Irvine
Stanford Linear Accelerator Center
Currently associated with Lawrence Berkeley Laboratory

Candidate #23
Mr. Richard Wagoner
Mathematics Teacher
San Pedro High School
Los Angeles Unified SD

Candidate #25
Mr. Radu Toma
Mathematics Teacher
Palo Alto High School
Palo Alto Unified SD

Candidate #26
Dr. Edie Pistolesi
Professor of Art
CSU Northridge

Candidate #27
Mr. Joseph (Jose) Gomez Velasquez
Mentor Teacher
Reading First Literacy Expert
Los Angeles Unified SD

Candidate #28
Ms. Mary Gonzales
Principal
Rose Elementary School
Escondido Union Elementary SD

Candidate #29
Mr. Antonio Navarro
Teacher (Grades 7-8)
Fallbrook Union Elementary SD

The following applicants will not be interviewed. Their applications will be acknowledged with the State Board's appreciation for their willingness to serve.

Candidate #01
Dr. Dennis Nakafuji
Instructional Specialist
Gage Middle School
Los Angeles Unified SD

Candidate #03
Dr. Frederick Lim Uy
Assistant Professor of Mathematics Education
CSU Los Angeles

Candidate #04
Ms. Hailly Korman
Teacher (K-1)
122nd Street Elementary School
Los Angeles Unified SD

Candidate #08
Ms. Jody K. Rose-Dressler
Adapted Physical Education Specialist
San Mateo County Office of Education

Candidate #11
Dr. Danine Long Ezell
Secondary Science Resource Teacher
San Diego Unified SD

Candidate #12
Ms. Frances E. Lucas-Hill
Primary Grade Teacher
Mary Collins School (Private)

Candidate #13
Mr. Richard V. Loya
Classroom Teacher on Special
Assignment
Los Angeles Unified SD

Candidate #14
Mr. Robert W. (Rob) Darrow
Library Media Teacher on Special Assignment
Coordinator of CalOnline
Clovis Unified SD

Candidate #15
Ms. Marisa Olivia Ramírez
Elementary Science Resource Teacher
San Diego Unified SD

Candidate #18
Dr. Richard R. Hake
Emeritus Professor
Indiana University

Candidate #19
Ms. Ann Swartzberg Wexler
Attorney (self-employed)

Candidate #20
Ms. Barbara Hickman
Assistant Superintendent, Educational Services
Patterson Joint Unified SD

Candidate #21
Ms. Debra S. Coggins
Consultant, writer (self-employed)

Candidate #24
Ms. Diana Yayoi Takenaga-Taga
Science Resource Teacher
Lowman Mathematics/Science/ Technology Center
Los Angeles Unified SD

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 13

NOVEMBER 2003 AGENDA

SUBJECT		
No Child Left Behind (NCLB) Act of 2001 – Including, but not limited to, update on Consolidated State Application	X	ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Hear an update on current NCLB activities and any NCLB Liaison Team recommendations. Take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

This standing item allows CDE and SBE staff to brief the Board on timely topics related to NCLB.

Summary of Key Issue(s)

Phase II Data Release for Adequate Yearly Progress (AYP): Phase I AYP data, containing results for two of the four AYP criteria *(Annual Measurable Objectives* in English-language arts and mathematics, and *Participation Rates*) were released in August 2003. The results for the remaining AYP criteria. (*API as Additional Indicator* and *Graduation Rates*) are released in Phase II.

AYP Appeals: Districts can appeal data from both Phase I and Phase II. Appeals must be based on substantive reason, statistical error, or participation rate (high schools and small schools). Districts have 10 working days to file an appeal after data are released, and receive final determination on the appeal within another 10 working days. (See attachment)

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachment 1: Information on Phase I AYP Appeal Decisions

Title 1 Program Improvement Phase I AYP Appeal Decisions*

Total Phase I Appeals	**193**
– Approved	52
– Denied	101
– Deferred	39
– Pending	1

*As of October 9, 2003

Appeal Process for PI Schools

- A district may appeal on behalf of a school.
- Appeal must be based on substantive reason or statistical error, or participation rate (high schools and small schools)
- 10 working days to file appeal after AYP release and 10 working days to receive final determination

Basis for PI Appeals

- Statistical Error
  - District submitted inaccurate data to test publisher
  - CDE incorrectly calculated % proficient or participation rate
- Substantive Reason
  - Closure of school/uncontrollable circumstances
- Participation Rate
  - High Schools
  - Small Schools

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 14

NOVEMBER 2003 AGENDA

SUBJECT		
No Child Left Behind Act of 2001: Local Educational Agency Plans required by Section 1112	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Staff recommends approval of Local Educational Agency (LEA) Plans that have met the requirements for full approval status.

Summary of Previous State Board of Education Discussion and Action

As of the September 2003 meeting, the State Board of Education approved a total of 1,005 LEA Plans – 647 in July and 358 in September. The remaining LEAs are either making appropriate modifications for completeness or are in the process of submitting their Plans. LEAs with incomplete Plans will not be eligible to receive federal education categorical aid until they receive SBE full approval at a later date.

Summary of Key Issue(s)

The supplemental materials will include a list of LEA Plans from districts, county offices of education, and direct funded charter schools recommended for full approval status.

Fiscal Analysis (as appropriate)

LEAs with incomplete Plans will not be eligible to receive federal education categorical aid until they receive SBE full approval of their Plans at a later date.

Attachment(s)

Attachments will be submitted as a Last Minute Memorandum.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/12/03**

From: **Joseph Barankin, Ph.D, Director**
School and District Accountability Division

Re: **ITEM # 14**

Subject **NO CHILD LEFT BEHIND ACT OF 2001: LOCAL EDUCATIONAL AGENCY PLANS REQUIRED BY SECTION 1112**

Attached for Board approval are two lists of 92 LEA Plans for district and county offices of education and for direct-funded charter schools. These Plans are required under No Child Left Behind (NCLB) so that LEAs may receive federal categorical aid for educational programs.

With the Board's approval of these 92 Plans, 1,097 LEAs will have fully approved Plans. In July, the Board fully approved 647 Plans and an additional 358 in September.

CDE staff continues to work with the 64 LEAs (39 districts/counties and 25 charter schools) whose Plans are not yet ready for recommendation to the SBE for approval. There are 89 remaining LEAs (8 district/counties and 81 charter schools) that have not yet submitted LEA Plans. Staff has sent a letter to LEAs with a deadline of November 15, 2003 for submission of Plans to prevent restriction of categorical funding. Staff will continue to work with these LEAs to obtain their Plans for review and future recommendation for Board approval.

Please see the following attachments.

Attachment 1: Full SBE Approval-Districts and COEs (Pages 1 - 2)
Attachment 2: Full SBE Approval-Charter Schools (Page 1)

District and COE LEA Plans
Recommended for
Full Approval
November 2003

CD Code	District & County Office of Education Name
0161168	Emery Unified
0761705	Knightsen Elementary
0761721	Liberty Union High
0761762	Oakley Union Elementary
0761812	Walnut Creek Elementary
0810082	Del Norte Co. Office Of Education
0861820	Del Norte County Unified
1062109	Clay Joint Elementary
1062174	West Fresno Elementary
1062521	Washington Union High
1162570	Hamilton Union Elementary
1210124	Humboldt Co. Office Of Education
1262828	Freshwater Elementary
1262901	Klamath-Trinity Joint Unified
1263016	Rohnerville Elementary
1263024	Scotia Union Elementary
1363214	San Pasqual Valley Unified
1363230	Westmorland Union Elementary
1563354	Blake Elementary
1563461	Fairfax Elementary
1563487	General Shafter Elementary
1864105	Janesville Union Elementary
1864139	Lassen Union High
1864162	Ravendale-Termo Elementary
1864188	Shaffer Union Elementary
1864204	Westwood Unified
1965102	Westside Union Elementary
2065177	Alview-Dairyland Union Elementary
2065193	Chowchilla Elementary
2075135	Chawanakee Joint Unified School District
2165318	Dixie Elementary
2165334	Kentfield Elementary
2165391	Mill Valley Elementary
2410249	Merced Co. Office Of Education
2465698	Hilmar Unified
2866258	Howell Mountain Elementary
2966407	Union Hill Elementary
2966415	Twin Ridges Elementary
3066480	Cypress Elementary
3066522	Garden Grove Unified
3066555	Laguna Beach Unified
3166787	Auburn Union Elementary
3310330	Riverside Co. Office Of Education
3375152	Temecula Valley Unified
3375176	Lake Elsinore Unified
3467306	Del Paso Heights Elementary
3467397	North Sacramento Elementary
3673858	Baker Valley Unified
3768049	Dehesa Elementary

District and COE LEA Plans
Recommended for
Full Approval
November 2003

CD Code	District & County Office of Education Name
3768379	San Ysidro Elementary
3768411	Sweetwater Union High
3968544	Jefferson Elementary
3968619	New Hope Elementary
3968650	Ripon Unified
4068700	Atascadero Unified
4068726	Cayucos Elementary
4068825	San Miguel Joint Union Elementary
4068833	Shandon Joint Unified
4168957	Las Lomitas Elementary
4168981	Portola Valley Elementary
4169088	Woodside Elementary
4369435	Evergreen Elementary
4369633	Orchard Elementary
4569880	Black Butte Union Elementary
4570029	Igo, Ono, Platina Union Elementary
4570078	North Cow Creek Elementary
4770185	Big Springs Union Elementary
4770425	Mt. Shasta Union Elementary
4970615	Bellevue Union Elementary
4970649	Cinnabar Elementary
5271506	Corning Union High
5471860	Cutler-Orosi Joint Unified
5772702	Winters Joint Unified
5872769	Wheatland Union High

Charter School LEA Plans
Recommended for
Full Approval
November 2003

CD Code	School Code	Charter School Name
0161291	6118830	San Leandro Charter Academy
1964584	1996677	Lifeline Education Charter School
1964725	6113146	Constellation Community Middle School
1964733	0101659	Crenshaw Arts Technical Charter High
1964733	6116750	Community Charter Middle
1964733	6117667	Camino Nuevo Charter Academy
1964733	6119929	Academia Semillas Del Pueblo
3066464	6117758	Journey Charter School
3667934	3630761	Excelsior Education Center
3768023	6037980	Mueller Charter Elementary School
3768023	6115778	Chula Vista Learning Community Charter (Elem)
3768023	6116859	Arroyo Vista Charter School
3768338	3731395	Audeo Charter
3768338	6113211	Chancellor William Mcgill School of Success
3768338	6115570	Museum Charter School
3768338	6119168	San Diego Cooperative Charter
3875648	6040935	Edison Charter Academy
4410447	4430252	Pacific Collegiate School
4970912	6113278	Santa Rosa Education Cooperative Charter School
5071134	6119705	Summit Charter Academy

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 15

NOVEMBER 2003 AGENDA

SUBJECT		
No Child Left Behind Act of 2001 – Approve Supplemental Educational Service Providers (required by Title I, Section 1116(e)).	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Staff recommends that the State Board approve the list of Supplemental Educational Service Providers to be included on the list of providers for 2003-04.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved, at the May 2003 meeting, the emergency regulations, annual notice to potential providers and the revised providers' application. At the June 2003 meeting, the SBE approved 21 providers. In July 2003, the SBE approved 80 additional providers. At the September 2003 meeting, the SBE approved 37 additional providers.

Summary of Key Issue(s)

Supplemental educational services to low-achieving, low-income students are required by Section 1116(e) of the No Child Left Behind (NCLB) Act of 2001. The California Department of Education (CDE) is responsible for establishing a list of approved providers, as described in Section 1116(e)(4) of NCLB.

Supplemental educational services include "tutoring and other academic enrichment services" that are:

- Chosen by parents.
- Provided outside the school day.
- Research-based.
- High quality.
- Designed specifically to increase the academic achievement of eligible children.

The application process occurs on an on-going basis. CDE evaluates each application against a four-point rubric based on the SBE-adopted criteria. Each application must address the following four elements of the criteria:

Element I. Program
Element II. Staff
Element III. High Quality Research and Program Effectiveness
Element IV. Evaluation/Monitoring

Summary of Key Issue(s)

CDE also considers the June 2003 results of the contracted West Ed Survey about supplemental educational services provided by re-applicants. CDE then recommends applicants for approval by the SBE.

Fiscal Analysis (as appropriate)

Federal revenues are apportioned to LEAs to support the use of supplemental educational services. LEAs must use a minimum of 5 percent and a maximum of 15 percent of the Title I, Part A allocation for supplemental educational services, unless a lesser amount is needed. Title V, Part A Innovative Program funds can be also used to support supplemental educational services.

Attachment(s)

A list of recommended supplemental providers will be included in a Last Minute Memorandum.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/6/03**

From: **Geno Flores, Deputy Superintendent**
Assessement & Accountability Branch

Re: **ITEM # 15**

Subject **NO CHILD LEFT BEHIND ACT OF 2001: APPROVE SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDERS (REQUIRED BY TITLE I, SECTION 1116(E))**

The attached item includes a list of thirty-two applicants recommended for approval as supplemental educational service providers. Each applicant was evaluated against a four point rubric based on the SBE adopted criteria. During this application period, thirty-three were received. One application did not meet the criteria

Attachment 1: Cohort 6 Supplemental Educational Service Provider (Pages 1-12).

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Allen Community Development Corporation	**Rev. Edgar Boyd, Executive Director** Allen Community Development Corporation 916 Laguna Street, San Francisco, CA 94115 (w) 415-921-4935 bethelamec@aol.com
Status - Reapplied	**Program Description** Provides tutorial services using multimedia, cultural contextual strategies for grades K-12 in reading/mathematics, after school in small groups.
School Districts Served: San Francisco Unified School District	

Applicant	Contact
After School Program In Reading Excellence (ASPIRE)	**ABC Unified School District** 16700 Norwalk Blvd. Cerritos, CA 90703 (w) 562-926-5566 www.abcusd.k12.ca.us
Status: Reapplied	**Program Description** Provides district tutorial services in English/language arts for grades K-12, after school; one on one and small groups.
School Districts Served: Alvord Unified School District	

Applicant	Contact
Alvord Unified	**Rosa Lee Tubbs, Program Manager** Alvord Unified School District 10000 Wells Avenue Riverside, CA 92503 (w) 909-351-9241 rtubbs@alvord.k12.ca.us
Status: New	**Program Description** The district will provide reading, language arts and mathematics tutoring using computer assigned learning in small group instruction.

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Barstow Unified School District	**Mickey Hirsch, Director** Instructional Support Services Barstow Unified School District 551 South Avenue H Barstow, CA 92311 (w) 760-255-6024 mickey_Hirsch@busdk12.com
Status - New	**Program Description** Provides district tutorial services for grades K-8 in English/language arts and math after school and Saturdays, in small groups.
School Districts Served: Barstow Unified School District	

Applicant	Contact
Berkeley Unified School District	**Carla Basom, Manager** Berkeley Unified School District 2134 Martin Luther King Jr. Way Berkeley, Ca 94704 (w) 510-644-6202 Carol_Key@Berkeley.k12.ca.us
Status - Reapplied	**Program Description** The After School Learning Program provides one on one tutoring in literacy and mathematics.
School Districts Served: Berkeley Unified School District	

Applicant	Contact
Blazers Youth Services Community Club, Inc.	**Carlton Davenport, Associate Director** Blazers Youth Services Community Club, Inc. (AKA) The Blazer Learning Center 1517 W. 48th Street Los Angeles, CA 90062 (w) 323-292-1021 carltondport@hotmail.com
Status - New	**Program Description** Provides tutorial services for grades K-12 in math, language arts, science, creative art, physical education, computer technology, photography, permaculture gardening, after school, Saturday, Sundays, in small groups.
School Districts Served: Los Angeles Unified School District	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
California Virtual Academies	**James Konantz, Head of Schools** California Virtual Academies 1333 Broadway, #235 Oakland, CA 94612 (w) 510-465-0342 koutfleet@caliva.org
Status - New	**Program Description** Provide tutorial services to students being served through Virtual Academies Charters; grades K-7 in language arts, reading, and mathematics after school in small groups.
School Districts Served: Statewide	

Applicant	Contact
Century/Learning Initiatives for Today	**Cynthia Amos, Program Director** Century/ Learning Initiatives for Today 1000 Corporate Pointe Culver City, CA 90230 (w) 310- 642-2011 cmamos@centuryhousing.org
Status - New	**Program Description** Provides tutorial services after school in homework assistance, English/language arts skills enrichment, mathematic skills enhancement, and computer/internet exploration, for grades K-12, one on one and small groups.
School Districts Served: Los Angeles Unified School District	

Applicant	Contact
CRTE/Vision 2000	**Dr. Linda Ventriglia/Dr. Hazel Mahone** Director, Center for Teaching Excellence/Professor, Cal State University-Sacramento 2567 Land Park Drive Sacramento, CA 95818 (w) 916-643-9115 hmahone@aol.com
Status - New	**Program Description** Provide after school instruction in English language development, language arts, and mathematics for grades K-12, in small groups with ten to one ratio.
School Districts Served: Statewide	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Co-owner of Bungy Jumping LLC	**Sue Coates, President** Co-owner of Bungy Jumping LLC 5720 Panorama Crest Drive Bakersfield, CA 93306 (w) 661-871-8785 Sue-waren.1@Juno.com
Status - New	**Program Description** Provides remedial reading tutorial services after school grades 1-12 in small groups of three.
School Districts Served: Bakersfield Unified School District	

Applicant	Contact
Desert Sands Unified School District	**Darlene Dolan, Assistant Superintendent** of Educational Services Desert Sands Unified School District 47-950 Dune Palms Road La Quinta, CA 92253 (w) 760-771-8601 darlened@surf.dsusd.k12.ca.us
Status - Reapplied	**Program Description** Provides diagnostic/prescriptive tutorial services in reading, language arts, and mathematics for grades K-8, before and after school, Saturdays, summer session in small groups.
School Districts Served: Desert Sands Unified School District Riverside County including Indio, La Quinta, Bermuda Dunes, Indian Wells, Palm Desert, Rancho Mirage	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Educational Concepts	Elmer Logans, CEO Educational Concepts 4740 Federal Blvd., Suite D San Diego, CA 92102 (w) 619-262-6922 Newedconcepts@aol.com
Status – Reapplied	**Program Description** Provides after school tutorial services for grades 3-12 in language arts, social studies, math, science, algebra, and geometry after school and Saturdays, one on one and small groups.
School Districts Served: Los Angeles County, San Diego County, Imperial County	

	Contact
Galt Joint Union High School District	**Mari Martinez** **Director of Categorical Programs** Galt Joint Union High School District 417 C Street, Suite B Galt, CA 95632 (w) 209-745-3061 mmartinez@ghsd.k12.ca.us
Status - New	**Program Description** Provide district tutorial services in English/language development, algebra, geometry and CAHSEE test preparation, bilingual (Spanish/English) for English Learners, for grades 9-12 after school/summer school in small groups.
School Districts Served: Galt Joint Union High School District	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Garment of Praise Ministries – Project SOAR	Nollie T. Mitchell-Brooks Founder/CEO Garment of Praise Ministries, Inc. 3156 Fifth Avenue, #243 San Diego, CA (w) 619-299-9448 bishopnollie@earthlink.net
Status - New	**Program Description** Provides small group and one on one tutoring with a focus on math, reading and writing in San Diego County.
School Districts Served: San Diego Unified School District El Cajon Unified School District	

Applicant	Contact
Genesis Educational Foundation	**Bishop George McKinney, Director** Genesis Educational Foundation 5825 Imperial Avenue San Diego, CA 92114 (w) 619-262-2671 sistephenscogic@aol.com
Status - New	**Program Description** Provide small group and individual instruction to students K-12, in reading, language arts and mathematics.
School Districts Served: All districts in San Diego	

Applicant	Contact
Good News Hope and Help Inc.	**Ira K. Gray** **Director of Educational Services** 178 Iowa Avenue Riverside, CA (w) 909-683-2916 lgray27@earthlink.net
Status - New	**Program Description** Provides tutorial services in reading/mathematics for grades 2-6 after school, one on one and small groups.
School Districts Served: Riverside Unified School District Alvord Unified School District San Bernardino City Unified School District	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Jurupa Unified School District	**Terri Moreno, Director** Categorical Projects Jurupa Unified School District 4850 Pedley Road Riverside, CA 92505 (w) 909-360-4152 tmoreno@jusd.k12.ca.us
Status – Reapplied	**Program Description** Provides one on one and small group tutoring in reading, writing, mathematics, and English language development.
School Districts Served: Jurupa Unified School District	

Applicant	Contact
Lassen County Office of Education	**Robin Banker, Curriculum Coordinator** Lassen County Office of Education 472-013 Johnstonville Road, North Susanville, CA 96130 (w) 530-257-2196 rbankerlcoe@yahoo.com
Status – New	**Program Description** One on one and small group after school tutoring in reading, writing, language arts, and mathematics.
School Districts Served: Lassen County School District	

Applicant	Contact
Martinez Unified School District	**Chuck Fereira, Ed.D**. Director of Student Services 921 Susana Street Martinez, CA 94553 (w) 925-313-0480 ext. 212
Status - New	**Program Description** Provides district tutorial services in English/language arts, mathematics for grades K-12 after school in small groups.
School Districts Served: Martinez Unified School District	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Math and English Language Arts Tutoring	**Lawrence E. Washington, Owner** Math and English Language Arts Tutoring 23200 S. Western Avenue #224 Harbor City, CA 90710 (h) 310-325-4327 profwashington@hotmail.com
Status - New	**Program Description** Provide English/language arts, and mathematics for grades 3-12 after school, Monday – Sunday, one on one and small groups.
School Districts Served: Los Angeles County San Diego County Orange County	

Applicant	Contact
Olive Crest	**Donald Verleur, CEO** Olive Crest 2130 East Fourth Street, Suite 200 Santa Ana, CA 92705 (w) 714-543-5463 Donald-verleur@olivecrest.org
Status - New	**Program Description** Provide tutorial services to students in group homes, foster homes, transitional housing apartments, and libraries, for grades 1-12 in reading comprehension, arithmetic, science, writing/language arts, current affairs and history, one on one and small groups.
School Districts Served: Orange County Riverside County	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Philip Goudeaux Ministries	**Lisa Regina Virgen** Education Consultant for Calvary Christian Center Phillip Goudeaux Ministries (w) 916-929-1383 virgen1416@aol.com
Status - New	**Program Description** Provides tutorial services in reading/language arts, mathematics; grades K-8 after school, one on one and small groups.
School Districts Served: Sacramento County North Area Schools	

Applicant	Contact
Pomona Unified School District	**Pomona Unified School District** 800 South Gary Pomona, CA 91766 (w) 909-397-4800 ext. 3603 Irene.O'Brien@omona.k2.ca.us
Status - New	**Program Description** Provide district tutorial services for special education, grades 3-12 in English, language arts and mathematics, after school, Saturdays, and Sundays in small groups.
School Districts Served: Pomona Unified School District	

Applicant	Contact
Principal's Exchange LC	**Estella Ramirez, Executive Director** Principal's Exchange LLC PMB 132 13502 Whittier Blvd., Suite H Whittier, CA 90605 (w) 562-789-0729 estella@principals-exchange.com
Status - New	**Program Description** Provide tutorial services in reading/language arts for grades Pre K-12, after school, during school, summer school, Saturday school or during intersessions, one on one and small groups.
School Districts Served: Statewide	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
Provisional Educational Services Inc.	**Mildred D. Henry, Chief Executive Officer** Provisional Educational Services Inc. 2450 Blake Street San Bernardino, CA 92407 (w) 909-887-7002 mmdhenry@aol.com
Status - Reapplied	**Program Description** Provides one on one and small group tutorial services in reading, writing, mathematics, English, language arts, and social studies.
School Districts Served: San Bernardino City Unified School District	

Applicant	Contact
Rowland Unified School District	**Rocky Bettar, Director** Rowland Adult and Community Education Rowland Unified School District 19100 E. Killian Street Rowland Heights, CA 91748 (w) 626-965-5975 rbettar@mail.rowland.k12.ca.us
Status - Reapplied	**Program Description** Provide intensive tutorial services in reading, language arts, and mathematics for grades K-12, after school, one on one and small groups.
School Districts Served: Rowland Unified School District	

Applicant	Contact
Santa Fe Springs City Library	**Jerry Edwards, Library Literacy Specialist** Santa Fe Springs City Library 11700 Telegraph Road Santa Fe Springs, CA 90670 (w) 562-868-7738 literacy@santafesprings.org
Status - New	**Program Description** Provides literacy skills tutorial in grades K-12, after school in two sessions fall, 22 weeks and spring, 15 weeks.
School Districts Served: Little Lake City School District Los Nietos School District Whittier Union High School District	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
SkyLearn	**Erin Ziel, Program Coordinator** SkyLearn 675 Hartz Avenue #107 Danville, CA (w) 925-838-2171 ezhek@hotmail.com
Status - New	**Program Description** Provides computer based literacy programs for grades K-12 in after school tutorial programs complete online course that develops skills in phonemic awareness, decoding, fluency and comprehension.
School Districts Served: Statewide	

Applicant	Contact
Trintelligence, Inc. Sylvan Learning Center of Oakley	**Kimberly Carrington, Center Director** Trintelligence, Inc. DBA as Sylvan Learning Center of Oakley 2105 Main Street, Oakley, CA 94561 (w) 925-679-8667 kim.Carrington@comcast.net
Status - New	**Program Description** Provides tutorial services in reading, math for grades K-12, after school, Saturdays; one on one and small groups.
School Districts Served: East Contra Costa County Antioch and Pittsburg	

Applicant	Contact
The Babbage Net School	Clifford Dittrich, President The Babbage Net School P.O. Box 517 Port Jefferson, NY 11777 (631) 642-2029
Status - New	**Program Description** Provides online class/virtual instruction for instructional program for grades 1-12 anytime and anywhere.
School Districts Served: Statewide	

COHORT 6 SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDER

Applicant	Contact
University of California, Davis School/University Partnerships	**Syma Solovitch, Special Programs Coordinator** University of California School/University Partnerships One Shields Avenue Davis, CA 95616 (w) 530-754-6832 ssolovitch@ucdavis.edu
Status - New	**Program Description** Provides tutorial services for grades K-9 in literacy/mathematics after school, one on one and small groups.
School Districts Served: Sacramento City Unified School District Grant Union High School District Del Paso Heights District Woodland Joint Unified School District Stockton Unified School District	

Applicant	Contact
Vacaville Unified School District	Peggy Alexander, Director of Projects Vacaville Unified School District 751 School Street Vacaville, CA 95688 (w) 707-453-6140 peggya@vacavilleusd.org
Status - New	**Program Description** Provides district tutorial services in reading/mathematics for grades K-6, before/after school/lunch time, computer assisted small group and one on one.
School Districts Served: Vacaville Unified School District	

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 16

NOVEMBER 2003 AGENDA

SUBJECT		
No Child Left Behind Act of 2001 Teacher Requirements ("Highly Qualified Teacher") – Adopt Proposed Title 5 Regulations as amended.	**X**	**ACTION**
	X	**INFORMATION**
		PUBLIC HEARING

Recommendation:

Approve the amendments to the proposed permanent regulations regarding No Child Left Behind Act of 2001 Teacher Requirements ("Highly Qualified Teacher"). Direct CDE staff to send the amended proposed regulations out for 15-day public comment period and if no objections to the amendments are received, complete the rulemaking package, in accordance with the Administrative Procedure Act, including, but not limited to, responding to public comments. Establish a date for a special teleconference meeting of the Board in the event that a meeting is required to consider objections to the amendments.

Summary of Previous State Board of Education Discussion and Action

At its September meeting, the Board amended the proposed NCLB Teacher Requirement regulations based on public comments, and directed staff to send the amended regulations out for the 15-day public review period. Nine comments were received during the 15-day review period. Two of these comments were objections to the proposed September Board amendments and therefore the regulations were not sent to the Office of Administrative Law.

Summary of Key Issue(s)

The objections focused on two areas. First, Part One of the HOUSSE analysis for teachers "not new to the profession" was not clear. Since the September Board meeting, a HOUSSE (Part One) form for demonstrating subject matter competence has been developed and reviewed by stakeholders as part of the Resource Guide. Stakeholder comments have been positive about this form and the assignment of points for years of service, in-depth standards aligned professional development, advanced coursework and service to the profession. The proposed amendments to the proposed regulations respond to this comment by incorporating by reference the HOUSSE (Part One) form into the regulations.

The second area of concern was that "grade span" was not defined. "Grade span" was not defined in the regulations in order to allow LEAs to determine, based on local practice, what particular grades constituted grade span. The proposed amendments to the proposed regulations respond to this comment by explicitly stating in the definitions that grade spans are elementary, middle and high school and that the particular grades in a grade span are determined at the local level based on curriculum.

If the Board approves these revisions, the regulations will go out for an additional 15-day public comment period. A special teleconference meeting of the Board in the beginning of December may also be required to finally adopt the proposed regulations if any objections are received to

Summary of Key Issue(s)

the amendments during the public comment period.

The Title 1 Committee of Practitioners reviewed the proposed NCLB Teacher Requirement regulations on October 22, 2003. SBE and CDE staff briefed them regarding the development of the regulations and the major issues surrounding the NCLB Teacher Requirements. The Committee of Practitioners provided input that substantiated the proposed regulations and the Committee thanked the SBE and CDE for all the hard work that went into the development of the proposed regulations and the other efforts to implement the NCLB Teacher Requirements in California.

Below is a summary and response to public comments for the revised text of the proposed Title 5 NCLB Teacher Requirements made available to the public during the 15-day public notice period, September 17, 2003 to October 1, 2003. A total of nine people provided public comment including one teaching principal/superintendent, one administrative secretary for human resources, one project director, one assistant principal, and five teachers.

The public comments are as follows:

6103. Elementary Teachers Not New to the Profession.

Comment: Rusty Vardy, Teaching Principal/Superintendent, via e-mail, commented that people who demonstrated subject matter proficiency prior to NCLB should be considered highly qualified under NCLB requirements. He inquired whether a teacher that passed the National Teachers Exam (NTE) and received a Life Multiple Subjects Credential from the Commission on Teacher Credentialing (CTC) prior to NCLB will be qualified as meeting the NCLB requirements.

Comment: Karen Valdez, Administrative Secretary for Human Resources, Santa Maria-Bonita School District, via e-mail, inquired whether CDE will accept the NTE as an approved examination to verify subject matter competency or will the Multiple Subjects Assessment Test (MSAT) and the California Subject Examination(s) for Teachers (CSET) tests be the only CTC approved tests.

Comment: Dawn Snell, teacher, via e-mail, inquired whether the NTE will be recognized as a validated statewide subject matter examination certified by the Commission on Teacher Certification and appealed to the State Board to consider her case and that of many others who have taken prior validated State tests. She further inquired how a superintendent or principal will have a record for the teacher's file confirming the NTE as meeting NCLB teacher requirements.

Comment: Angela Alvarez, credential program student, via e-mail, asked if students who have completed the State approved credential waiver program that waived the MSAT test will have to take the CSET test to be hired.

Response:
The proposed Title 5 Regulations comply with federal NCLB law. New elementary teachers who received a credential after July 1, 2002, are required to pass a State test approved by the Commission on Teacher Credentialing. The approved State test is CSET. Elementary teachers who have received state certification under a multiple subjects credential and have demonstrated subject matter competency by passing the National Teachers Exam (NTE) will qualify as

Summary of Key Issue(s)

meeting the NCLB Teacher Requirements. Both the NTE and the Multiple Subjects Assessment for Teachers (MSAT) qualify as Commission on Teacher Credentialing (CTC) approved tests. Proposed amendments to the proposed regulations would make it clearer that tests previously used for credentialing purposes would qualify. The California Subject Examination(s) for Teachers (CSET) is the current CTC approved State test to verify subject matter competency for single and multiple subject credentials.

6104. High Objective Uniform State Standard Evaluation.

Comment: Richard Rayburn, Projects Director, Lemoore Union Elementary School District, via e-mail, commented that the No Child Left Behind Teacher Requirements HOUSSE Section 6104. states that the second part [of the HOUSSE] shall consist of direct observation **and** portfolio assessment. However, in Section 6104. (b) it is stated that "The demonstration of subject matter competence shall include one or more of the following: (1) Classroom observation (3) Portfolio review. This wording appears to be contradictory since the first statement requires both forms of evaluation and the second statement gives the option of one or the other.

Response: The second part of Section 6104, HOUSSE requires teachers to demonstrate of subject matter competence for one or more of the following options listed in (b) (1), (2), and (3) of the regulations:
(1) Classroom observation,
(2) Demonstration of knowledge of the appropriate grade-level and subject State Academic Content Standards, and
(3) Portfolio review of lesson plans and student work for one academic year.

Comment: Karen Valdez, Administrative Secretary for Human Resources, Santa Maria-Bonita School District, via e-mail, inquired whether the change from grade level to grade span means that the district would qualify elementary teachers for K-6 or individually for the grade level they are teaching.

Comment: Jean Richter, M.A., teacher, North Fork School, via e-mail, inquired whether grade span means K-3, 4-8 or K-8.

Response: The proposed regulations comply with the provisions of the federal NCLB Act that require elementary teachers to demonstrate subject matter competency in reading, writing, mathematics and other areas of the basic elementary school curriculum. The proposed regulations do not require elementary teachers to demonstrate subject matter for each elementary grade. In Section 6104, HOUSSE it states that the teacher shall demonstrate subject matter competency for the "grade span or subject taught". Grade span and subject area authorizations are indicated on each California teaching credential. Each local educational agency, determines, based on the curriculum taught, by school site, or by each grade at the school site, whether a teacher is hired to teach elementary, middle or high school per the proposed Title 5 Regulations, Section 6100. Definitions. Proposed amendments to the proposed regulations would make it clearer that the grades included in the three grade spans (elementary, middle and high school) are determined at the local level based on curriculum.

Comment: Jean Richter, M.A., teacher, North Fork School, via e-mail, commented that she has a California Ryan Multiple Subjects Life credential and that teachers with Life credentials

Summary of Key Issue(s)

should be exempted from HOUSSE. Ms. Richter further commented that the wording in Section 6104 (a)--"a summation of years of experience", coursework, professional development and service--does not have an objective "sum". She asked how years of experience will be measured and what the words "more than half" mean in Section 6104 (a) where it states "In no event shall (i) years of experience account for more than half of the total necessary to demonstrate subject matter competency".

Ms. Richter further inquired about the regulations Section 6104, HOUSSE, page 3, lines 21-25—where it states, "The supervising administrator shall be responsible for overseeing the HOUSSE". She asked how administrators, who have not proven themselves to be highly qualified and who may not yet have the correct credentials, are able to decide if a teacher is highly qualified without an objective guideline to use in his/her determination. Ms. Richter recommended that Section 6104 be changed to read--"Any teacher with a valid credential to teach in California, who is teaching in his/her credential area, is highly qualified.

Comment: Paul Vaughan, teacher, via e-mail, commented that he has a life credential and believes that anyone with this credential should be exempt from changes or more requirements.

Comment: Nancy McPherson, teacher, North Fork School, via e-mail, commented that she has a California Multiple Subjects credential and is qualified to teach in K-8 self-contained classrooms. She asked how the experience, coursework, professional development and service, indicated in Section 6104, will be measured. She further commented that if a teacher has earned a valid credential and is teaching in an area that the credential qualifies him or her for, they should automatically be highly qualified. If a teacher is teaching out of their subject area, the HOUSSE evaluation needs to be done. Ms. McPherson recommended that Section 6104 be changed to read--"Any teacher with a valid credential to teach in California, who is teaching in his/her credential area, is highly qualified.

Response: The proposed regulations comply with federal NCLB law that requires all States receiving federal Title I, Part A funding to assure that all teachers in the State meet federal NCLB teacher requirements by the end of the 2005-05 school year. States are required to establish a Uniform State Standard Evaluation for teachers who are "not new" to demonstrate subject matter competency. The proposed Regulations, Section 6104 (c), state that a teacher's supervising administrator shall consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject for which the teacher is demonstrating subject matter competency. Proposed amendments to the proposed regulations would incorporate by reference the HOUSSE (Part One and Part Two) forms into the regulations and thereby provide an objective point system by which veteran teachers could demonstrate their subject matter competence.

GENERAL COMMENTS:

Summary of Key Issue(s)

Comment: La Sonya McCain, Assistant Principal, Ceres Unified School District, via e-mail, asked whether administrators have to take the CSET test.

Response: The proposed regulations do not pertain to administrators. Federal NCLB law requires new elementary teachers to pass a State test. The approved California Commission on Teacher Credentialing State test is CSET.

Fiscal Analysis (as appropriate)

A fiscal impact statement based on the proposed regulations with amendments will be completed before the November Board meeting.

Attachment(s)

The Proposed Regulation with amendments

A fiscal impact statement based on the proposed regulations with amendments will be provided in a Last Minute Memorandum.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 6. Certificated Personnel

Add Subchapter 7, Article 1, Section 6100 to read:

Subchapter 7. No Child Left Behind Teacher Requirements

Article 1. General

§ 6100. Definitions.

For purposes of No Child Left Behind Teacher Requirements, the following definitions shall apply:

(a) Advanced Credentialing: A teacher who has achieved National Board Certification is considered to have Advanced Credentialing.

(b) Credential: A Preliminary, Professional Clear or Life Credential, or any teaching credential issued under prior statutes, that authorizes a person to teach in California K-12 schools.

(c) Elementary, Middle and High School: The local educational agency shall determine, based on curriculum taught, by school site, or by each grade at the school site, if appropriate, whether a teacher is hired to teach elementary, middle or high school.

(d) First Day of School: The first day of school is the first day of school that students report to the school per the district school calendar.

(e) Grade Span: The local educational agency shall determine, based on curriculum taught, which grades shall be included in the elementary, middle, or high school grade spans.

~~(e)~~(f) Hired: A teacher is hired when they accept employment at the school district. The date a teacher is hired is not affected by a change of assignments or schools within the district. The date a teacher is hired in a district does not affect a teacher's "new" or "not new" to the profession status.

(g) Major Equivalent: Thirty-two non-remedial units in a particular discipline from an accredited institution of higher education shall constitute the equivalent to a major.

~~(f)~~(h) Teacher New to the Profession: A teacher is new to the profession if they have graduated from an accredited institution of higher education and received a credential, or began an approved intern program, on or after July 1, 2002.

~~(g)~~(i) Teacher Not New to the Profession: A teacher is not new to the profession if they graduated from an accredited institution of higher education and received a credential, or were enrolled in, or had completed, an approved intern program before July 1, 2002.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 2, Sections 6101 through 6104 to read:

Article 2. Elementary Level Teachers

§ 6101. Elementary Teachers.

A teacher who meets NCLB requirements at the elementary level is one who:

(1) Holds at least a bachelor's degree, and

(2) Is currently enrolled in an approved intern program for less than three years or has a credential, and

(3) Meets the applicable requirements in Section 6102 or 6103.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6102. Elementary Teachers New to the Profession.

A teacher who meets the NCLB requirements and is new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed a validated statewide subject matter examination certified by the Commission on Teacher Credentialing.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6103. Elementary Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have completed one of the following:

(1) A validated statewide subject matter examination ~~certified by~~ that the Commission on Teacher Credentialing has utilized to determine subject matter competence for credentialing purposes.

~~(2) In lieu of the high objective uniform state standard evaluation in subsection 3, National Board Certification.~~

(2)~~(3)~~ A high objective uniform state standard evaluation conducted pursuant to Section 6104 and in conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662, to determine the teacher's subject matter competence in each of the academic subjects taught by the teacher.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6104. High Objective Uniform State Standard Evaluation.

(a)The high objective uniform state standard evaluation shall consist of two parts. The first shall be a summation of (i) years of experience teaching in the grade span or subject, (ii) core academic coursework in assigned grade span or subject, (iii) in-depth standards aligned professional development, and (iv) service to the profession in the relevant core academic content area. In no event shall (i) years of experience account for more than half of the total necessary to demonstrate subject matter competency. The second part shall consist of direct observation and portfolio assessment in the grade span or subject taught. The second part of the high objective uniform state standard evaluation will only be conducted if Part One does not identify sufficient experience, coursework, professional development or service to demonstrate subject matter competence.

(b)~~(a)~~ The high objective uniform state standard evaluation **observation and portfolio section (Part Two) may** ~~shall~~ be conducted at the time and by the means utilized to satisfy Education Code section 44662, except that (1) subject matter shall be defined as the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching Profession. The demonstration of subject matter competence shall include ~~some combination~~ **one or more** of the following:

(1) Classroom observation,

(2) Demonstration of knowledge of the appropriate grade-level and subject State Academic Content Standards, and

(3) Portfolio review of lesson plans and student work for one academic year.

~~(b) This one time demonstration of subject matter competence shall be evaluated by a person or persons knowledgeable in the State Academic Content Standards for the grade and subject for which the teacher is demonstrating competency.~~

(c) Local educational agencies shall conduct the high objective uniform state standard evaluation by completing Forms 1, 2, and 3, as appropriate. Forms 1, 2, and 3, dated November 12, 2003, are hereby incorporated by reference into this section.

~~(c)~~(d) **A teacher's supervising administrator shall be responsible for overseeing the high objective uniform state standard evaluation, and shall consult, if necessary, with a person or persons knowledgeable in the State Academic Content Standards for the grade span or subject for which the teacher is demonstrating subject matter competency. A teacher must demonstrate subject matter competency only once for each grade span or subject taught.**

(e)~~(d)~~~(c)~~ If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan, pursuant to Education Code section 44664, aimed at

assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.
NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 3, Section 6110 to read:

Article 3. Middle and High School Level Teachers

§ 6110. Middle and High School Teachers.

A teacher who meets NCLB requirements at the middle and secondary levels is one who:

(1) Holds at least a bachelor's degree, and

(2) Is currently enrolled in an approved intern program for less than three years or has a ~~full~~ credential, and

(3) Meets at least one of the applicable requirements in Section 6111 or 6112.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6111. Middle and High School Teachers New to the Profession.

A teacher who meets NCLB requirements and is new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential in the subject taught, must have passed or completed one of the following for every core subject currently assigned:

(1) A validated statewide subject matter examination certified by the Commission on Teacher Credentialing,

(2) University subject matter program approved by the Commission on Teacher Credentialing,

(3) Undergraduate major in the subject taught,

(4) Graduate degree in the subject taught, or

(5) Coursework equivalent to undergrad major.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

§ 6112. Middle and High School Teachers Not New to the Profession.

A teacher who meets NCLB requirements and is not new to the profession at the middle and high school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an approved intern program for less than three years or holding a credential, must have passed or completed one of the following for every core subject currently assigned:

(1) A validated statewide subject matter examination ~~certified by~~ that the Commission on Teacher Credentialing has utilized to determine subject matter competence for credentialing purposes,

(2) University subject matter program approved by the Commission on Teacher Credentialing,

(3) Undergraduate major in the subject taught,

(4) Graduate degree in the subject taught,

(5) Coursework equivalent to undergrad major,

(6) Advanced certification or credentialing (National Board Certification), or

(7) The high objective uniform state standard evaluation pursuant to Article 2, Section 6104.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 4, Section 6115 to read:

Article 4. Teachers Not Meeting NCLB Teacher Requirements

§ 6115. Teachers Not Meeting NCLB Teacher Requirements.

A teacher does not meet the NCLB teacher requirements for the core academic subject taught if:

(1) Teaching with an Emergency Permits, or

(2) Teaching with a supplemental authorization (except where the supplemental authorization is based on a major or a major equivalent in the subject taught) or a local authorizations for the subject taught, or

(3) Teaching with state or local waivers for the grade or subject taught, or

(4) Teaching as a pre-intern.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 5, Section 6120 to read:

Article 5. One Time Compliance

§ 6120. One Time Compliance.

Once a school district has determined that a teacher meets the NCLB Teacher Requirements for the grade ~~level~~ **span** and/or subject taught, that teacher will not be required to demonstrate that they meet the requirements again for the same grade **span** ~~level~~ and/or subject taught, even if they are later hired by another school district in California.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

Add Article 6, Section 6125 to read:

Article 6. Teachers from Out-of-State

§ 6125. Teachers from Out-of-State.

Teachers who have been found to meet subject matter competency requirements of NCLB ~~in another State~~ **outside of California** shall also be considered to have met those requirements for that particular subject and/or grade span in California**.** California's credentialing reciprocity ~~with other States~~ is not affected by the requirements of NCLB.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December 19, 2002.

10-27-03

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 17

NOVEMBER 2003 AGENDA

SUBJECT		
Reading First Program--Including, but not limited to, approval of proposed amendment to the California Reading First Plan pursuant to Chapter 773, Statutes of 2003 (AB 1485).	X	ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Approve the AB 1485 amendments to Approved Reading First Plan and direct staff to immediately transmit the amended Plan to the United States Department of Education for approval.

Summary of Previous State Board of Education Discussion and Action

The Board approved California's Reading First Plan at its May 2002 meeting. The United States Department of Education (USDE) approved the plan in late August 2002. At its April 2003 meeting, the Board approved emergency regulations to clarify how classrooms operated pursuant to Education Code Section 310 could participate in the Reading First Program. In essence, the Board took the position that English learners should be given 2 ½ hours of reading instruction in English for the waiver classroom to be eligible to participate in the program. By the June 2003 meeting of the Board, AB 1485 had been amended to deal with the same issue as the emergency regulations. However, AB 1485 explicitly allows classrooms operated pursuant to Education Code Section 310 to participate in Reading First without the Board's restriction that the English learners receive a specified amount of time of instruction in English. The Board deferred action on the permanent regulations to allow time for AB 1485 to complete the Legislative process.

Summary of Key Issue(s)

Assembly Bill 1485 (Firebaugh) was signed into law and will become operative January 1, 2004. The portions of AB 1485 relating to the Reading First Program direct the State Board of Education to send an amendment of the Reading First Plan to the United States Department of Education (USDE) that would allow the use of approved alternate format *SRA Open Court Reading 2002* and Houghton Mifflin *A Legacy of Literacy 2003* in classes operating pursuant to Education Code Section 310 (Prop 227 waiver classrooms). Currently the only approved alternate formats for these instructional materials are in Spanish, but AB 1485 also directs the SBE to determine if there is a demand for other translations. Until this amendment is approved by the USDE, AB 1485 would prohibit expenditure of the over $13 million in additional Reading First funds California received for 2003-2004.

While AB 1485 does not take effect until January 1, 2004, waiting until that time to comply with the requirements of the bill would make it difficult for schools to utilize the funds in an effective manner. Therefore, a meeting of the Reading and Literacy Partnership Team has been scheduled for October 27, 2003, to review the Reading First

Summary of Key Issue(s)

Plan amendment. Once approved by the Board, the amendment will be sent immediately to USDE with the request that the USDE review the amendment as expeditiously as possible.

Once the amendment is approved, existing Reading First districts will be allowed to add Prop. 227 waiver classrooms using the approved alternate format instructional materials to their Reading First Program and their 2003-2004 grant amount will be increased accordingly. The process and application for these district program revisions will be developed shortly so that classrooms can be added as soon as the plan amendment is approved by the USDE. The process and application will be limited to ensuring that any new classrooms will adhere to the program assurances in California's Amended Reading First Plan.

The California Technical Assistance Center (C-TAC) and the Regional Technical Assistance Centers (R-TACs), which provide technical assistance to potential and existing Reading First LEAs, have been informed of AB 1485, its content, status and related implementation. The CDE will alert districts when the Plan amendment is approved and provide instruction on how to add Prop. 227 waiver classrooms with the approved alternate formats to their existing Reading First program. These waiver classrooms will receive the same support as other Reading First classrooms and in return they will be expected to meet all the requirements of Reading First, including using research-based strategies and materials and having children meet grade-level English-language arts standards by the end of third grade, as demonstrated through the California STAR program. All approved classrooms will be included in the local and state evaluations to determine future funding in years 3 - 6, so all classrooms are held to the same high expectations for improving students' reading skills and bringing all students to state standards as measured by our state assessment.

Eligible school districts currently not participating in the Reading First Program will have an opportunity to apply for Reading First funding for the 2004-2005 school year. In addition, there will be a process for existing Reading First districts to add schools in 2004-2005 to their Reading First program that were not originally included based on the understanding that waiver classrooms would not receive funding. It is anticipated that the application process for those grants will begin in early winter, with notification of successful grant applicant in spring 2004. More detailed information on this grant process should be available in the next few months.

Fiscal Analysis (as appropriate)

Approval of the AB 1485 plan amendments by the State Board of Education and the USDE will allow expenditure of $13.6 million in Reading First funding.

Attachment(s)

Proposed Letter to the USDE outlining the amendments to California's Approved Reading First Plan.

Draft AB 1485 Reading First Plan Amendment

Christopher J. Doherty
Director, Reading First
United States Department of Education

Dear Mr. Doherty,

This letter is to request approval of an amendment to California's Approved Reading First Plan (Approved Plan) to allow the use of Spanish translations of the scientifically research based instructional materials currently included in the Approved Plan. This request results from the enactment of Chapter 773, Statutes of 2003 (Assembly Bill 1485) by the California Legislature that required this amendment to California's Reading First Plan. The State Board of Education, as the State Education Agency, approved this amendment at its November 2003 meeting on the recommendation of the Reading and Literacy Partnership Team. Since California's Reading First Plan was approved in late August 2002, the two adopted instructional materials, Houghton Mifflin Reading, *The Legacy for Literacy 2003* and SRA/McGraw-Hill, *Open Court Reading 2002*, which are the scientifically research-based cornerstone of California's Approved Plan, have been translated into Spanish. These translations, *Houghton Mifflin Reading/Houghton Mifflin Lectura*, grades K-6, and *SRA/McGraw Hill Open Court Reading/Foro abierto para la lectura*, grades K-6, have been approved by the California Department of Education as alternate format instructional materials. Approximately 10 percent of California's English learners are educated in classrooms that use a language other than English for instruction pursuant to a waiver provision in Education Code Section 310 (added by Proposition 227 passed by the voters in 1998). These Education Code Section 310 classrooms that serve Spanish-speaking students can now use these approved alternative format instructional materials to teach reading.

As specified in Chapter 773, Statutes of 2003 (Assembly Bill 1485), California now wishes to amend its Reading First Plan to allow the use of these alternate format instructional materials in Education Code Section 310 classrooms to allow those students who are being taught to read in Spanish to continue to do so and still participate in the Reading First Program. California's amended Plan will continue to require that the goal of Reading First – that all students meet state grade-level standards as demonstrated through state assessments by the end of the third grade – be met by students using the alternate format materials. As in our original approved Reading First Plan, **all** California students in Reading First will be required to meet grade level English-language arts standards by the end of third grade, as demonstrated through the California STAR test.

The amended Plan is attached. A description of each amendment, by section, follows.

D. Criteria for Awarding Subgrants (page 8 of Approved Plan)

Criterion ii: Instructional Assessments (page 10 of Approved Plan)

California's Approved Plan utilizes assessments for screening, diagnosis, progress monitoring, and outcome. Reading First LEA's are guided to conduct assessments for all of the key technical skills of reading as specified in California's *Framework:* Assessment Schedule for Grades K-3—Assessment of Proficiency in the Language Arts.

Like their non-Education Code Section 310 classroom counterparts, Education Code Section 310 classrooms in the Reading First Program will utilize the extensive assessment materials included in the instructional materials. They will also have the State provided end-of-year assessments associated with the two approved instructional programs once they are translated into Spanish. These assessments will be augmented by nationally recognized scientifically research-based assessments in Spanish chosen by the Reading First LEA from a State Approved list.

As with all K-3 students in California, all Reading First students, including those in Education Code Section 310 classrooms, will take the California Standards Test in English-Language Arts to determine if the students are reading at grade level by the end of the third grade.

Criterion iii: Instructional Strategies and Programs (page 11 of Approved Plan)

Because *Houghton Mifflin Reading/Houghton Mifflin Lectura*, grades K-6, and *SRA/McGraw Hill Open Court Reading/Foro abierto para la lectura*, grades K-6, programs are translations of the two State-adopted comprehensive K-3 reading/language arts programs discussed in this section, they provide the same instructional strategies and programs discussed in this section of the Approved Plan.

Criterion iv: Instructional Materials (page 12 of Approved Plan)

Because the *Houghton Mifflin Reading/Houghton Mifflin Lectura*, grades K-6, and *SRA/McGraw Hill Open Court Reading/Foro abierto para la lectura*, grades K-6, programs are translations of the two State-adopted comprehensive K-3 reading/language arts instructional materials discussed in this section, they provide a comprehensive reading/language arts program in Spanish with English language development instruction. Of course since the required outcome is to have the students meet grade level English-language arts standards by the end of third grade, as demonstrated through the California STAR test, students using *Houghton Mifflin Reading/Houghton Mifflin Lectura*, grades K-6, and *SRA/McGraw Hill Open Court Reading/Foro abierto para la lectura*, grades K-6, may want to transition to the English version of the adopted materials prior to the third grade assessment.

The Approved Plan requires that LEAs already have the required instructional materials as a prerequisite for entering the program. Therefore under the Approved Plan, LEAs are not allowed to purchase classroom sets of the instructional materials. Because the

Education Code Section 310 classrooms may desire to have both the Spanish and English version of the instructional materials, Reading First LEAs will be allowed to use their Reading First funds to purchase the second set of instructional materials, whether it be English or Spanish for the Education Code Section 310 classrooms.

Criterion v: Instructional Leadership (page 13 of Approved Plan)

In addition to the leadership responsibilities outlined in the Approved Plan, both the LEA and site level instructional leadership will need to support Education Code Section 310 classroom teachers in the use of the instructional materials in Spanish with the substantial English language development component and preparing students so that they can score at or above the proficient level on the third grade California Standards Test in English-Language Arts. The amendments also make clear that school-wide focus on improving student achievement in reading must include all teachers and students whether they are in Education Code Section 310 classrooms or non- Education Code Section 310 classrooms.

Another amendment to this section is to suggest the LEAs consider including an Education Code Section 310 classroom teacher on the district-wide Reading First Leadership Team.

Criterion vi: LEA and School Based Professional Development (page 16 of Approved Plan)

The AB 466 Professional Development program, which is instructional materials specific, is the program required for the first year of Reading First professional development. It is our understanding that many existing Reading First schools have already included their Education Code Section 310 classroom teachers in their Reading First Professional Development to support the whole school reform that a successful Reading First Program requires. We will continue to encourage this team approach to professional development for the same reason.

Additionally, the State Board of Education, the California Department of Education (CDE) and the California Technical Assistance Center (C-TAC) will work to encourage an LEA or private vendor to become an approved AB 466 Professional Development Provider for the approved alternate format instructional materials, as required under AB 1485.

Criterion vii: LEA Based Technical Assistance (page 17 of Approved Plan)

C-TAC (California Technical Assistance Center) and the R-TACs (Regional Technical Assistance Centers) will assist Reading First LEAs to build capacity to assist Education Code Section 310 classroom teachers use the alternate format instructional materials and with their implementation of the Reading First Program.

Criterion viii: Evaluation Strategies

Successful LEAs must include an evaluation strategy in their Reading First program that provides a means for the LEA to monitor program implementation and utilize assessments to assist in student learning. Of course this evaluation strategy must include

data from every participating classroom. In addition to including the Education Code Section 310 classrooms in their overall evaluation, LEAs must review the data from Education Code Section 310 classrooms as a subgroup since program monitoring and technical assistance will be important to ensure that the students can be successful on the California Standards Test in English-Language Arts by the spring of third grade.

Criterion xi: Competitive Priorities (page 19 of Approved Plan)

Because California's Approved Reading First Plan did not allow the funding of K-3 classrooms that utilized the approved alternate format instructional materials, those classrooms have not been funded in previous rounds of subgrants. Chapter 773, Statutes of 2003, (AB 1485) seeks to compensate for this lack of past funding by giving these classrooms priority in the allocation of the $13.6 million increased funding provided to California in FY 2003. Thus, additional points will be awarded to passing applications that include Education Code Section 310 classrooms utilizing the alternate format instructional materials.

Section II State Leadership and Management (page 22 Approved Plan)

A. Professional Development Plan

The existing State structure for professional development under AB 466 that is described in the Approved Plan allows for professional development providers to be approved for any adopted instructional materials. Because *Houghton Mifflin Reading/Houghton Mifflin Lectura*, grades K-6, and *SRA/McGraw Hill Open Court Reading/Foro abierto para la lectura*, grades K-6, are approved alternate format instructional materials, providers can be approved under AB 466 to conduct 40-hour teacher institutes on these instructional materials. Currently there are no AB 466 providers for the alternate format. The State Board of Education, the California Department of Education (CDE) and the California Technical Assistance Center (C-TAC) will work to encourage an LEA or private vendor to become an approved AB 466 Professional Development Provider for the alternate format instructional materials. Alternatively, because the alternate format is a translation of the adopted instructional materials in English, the 40-hour teacher institutes on the instructional materials in English is of benefit to teachers using the translated instructional materials.

B. Technical Assistance Plan

C-TAC (California Technical Assistance Center) and the R-TACs (Regional Technical Assistance Centers) will assist Reading First LEAs to build capacity to assist Education Code Section 310 classroom teachers use the alternate format instructional materials and implement the Reading First Program.

Section III Evaluation and Reporting Plan (page 27 Approved Plan)

California's Approved Plan includes an evaluation plan comprised of five components. Each of these five components will report on all the funded Reading First classrooms as a

whole, as well as the Education Code Section 310 classrooms as a subgroup.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 18

NOVEMBER 2003 AGENDA

SUBJECT		
California High School Exit Examination (CAHSEE): Update on CAHSEE activities, including, but not limited to, the Year 4 Independent Evaluation Report and the 2002-2003 test results	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Take action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

None.

Summary of Key Issue(s)

This SBE item covers the following topics:

(1) The independent evaluator, Human Resources Research Organization (HumRRO), submits an annual report on CAHSEE activities each year. In May, HumRRO presented a separate report required by Assembly Bill 1609. This report, due at the end of September, is the HumRRO Year 4 Report for the CAHSEE activities during the 2002-03 school year.

(2) CDE posts CAHSEE test results annually on the CDE Web site in October. A summary of the results is presented here.

<u>CAHSEE: Year 4 Evaluation Report</u>

The CAHSEE independent evaluator, HumRRO, submitted its Year 4 Evaluation Report to the California Department of Education (CDE) at the end of September. The Report is being sent to SBE members and has been posted on the Internet at *www.cde.ca.gov/statetests/cahsee*. The Year 4 report contains findings and recommendations, an analysis of the results from 2002-2003 test administrations, and results from student, teacher, and administrator surveys. The Executive Summary is attached.

Summary of Key Issue(s)

CAHSEE 2002-2003 Results

The results of the six administrations from 2002-2003 is posted on the Internet at *www.cde.ca.gov/statetests/cahsee*. The results are reported by school, district, county, and state for each administration, as well as one combined report for all administrations. Grade 11 and adult students were able to take the test multiple times; Grade10 students were to test only once during this year census adminstrations. The reports present information for all students by number of students tested; number and percent of students who passed and did not pass; and present information for all students by gender, ethnicity, language fluency, economic status, and special education program participation. Of the number of grade 10 students tested, 78 percent passed English-language arts and 59 percent passed mathematics. An additional 35 percent of grade 11 repeat test takers passed English-language arts and an additional 22 percent of repeat test takers passed mathematics. Attached are the Demographic Summary Reports for All Students tested for English-Language Arts and Mathematics for grades 10 and 11.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

Attachment 1: HumRRO Year 4 Evaluation Executive Summary (Pages 4)

Attachment 2: Demographic Summary for All Students Tested–State Report-Grade 10- English-Language Arts and Mathematics (Combined 2003); Demographic Summary for All Students Tested–State Report-Grade 11- English-Language Arts and Mathematics; (Combined 2003) (Pages 4)

Independent Evaluation of the California High School Exit Examination (CAHSEE): Year 4 Evaluation Report
EXECUTIVE SUMMARY [1]

California has just concluded the third year of administering its High School Exit Examination. The requirement that students pass a graduation exam in mathematics and English-language arts (ELA) beginning with the Class of 2004 was established by Senate Bill (SB)-2X passed in 1999 and written into the California Education Code as Chapter 8, Section 60850. This section of the code was further modified through the passage of Assembly Bill (AB) 1609 in 2002. The revised legislation that gave the State Board of Education (the Board) authority to postpone the CAHSEE requirement was based in part on a mandated study of the extent to which both test development and standards-based instruction met the criteria for this type of examination. The study report was issued on May 1, 2003 (Wise et al., May 2003). In July of this year, after the completion of the 2002–03 CAHSEE testing, the Board voted to defer the CAHSEE requirement until 2006.

The legislation that authorized the graduation exam also specified an independent evaluation of the CAHSEE. The California Department of Education (CDE) awarded a contract for this evaluation to the Human Resources Research Organization (HumRRO). HumRRO's efforts focus on analyses of data from tryouts of test questions and from the annual administrations of the CAHSEE, and report on trends in pupil performance and retention, graduation, dropout, and college attendance rates. The legislation also specified that evaluation reporting will include recommendations for improving the quality, fairness, validity, and reliability of the examination. This document meets the contract requirement for a report of activities and findings during the fourth year of the evaluation. Our report examines results beyond those reported in the legislatively mandated January 2002 report covering the 2001 CAHSEE administration (Wise, Sipes, Harris, George, Ford, & Sun, 2002) and in the subsequent report (Wise et al., June 2002).

Test Development, Administration and Scoring

When the Legislature passed AB 1609 in 2002, it mandated specific changes to the CAHSEE, including a special study of the extent to which the development of the CAHSEE and standards-based instruction met the requirements for a high school graduation test. Evaluation activities were expanded to meet the requirements for this study. A detailed description of the study, along with findings and recommendations, were included in a report to the Board issued May 1 and are not repeated in the present report (Wise et al., May 2003, http://www.cde.ca.gov/statetests/cahsee/eval/AB1609/index.html).

Year 4 evaluation activities summarized in the current report include:

Review of Test Developer Plans and Reports. HumRRO continued to monitor test development activities and reports. These included changes to test administration procedures, equating alternate forms, and changes to reporting procedures.

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1 Wise, L.L., Harris, C.D, Brown, D. G., Becker, D.E., Sun, S., Coumbe, K.L. (2003). *California High School Exit Examination (CAHSEE): Year 4 Evaluation Report* (FR-03-64R). Alexandria, VA: Human Resources Research Organization.

Analysis of Operational CAHSEE Data. HumRRO analyzed results from the six operational administrations of CAHSEE from July 2002 through May 2003. These included continued administration to 11th graders in the Class of 2004 who had not yet passed one or both parts of the CAHSEE and a census administration to 10th graders in the Class of 2005. Results from the analyses of student test results are described in Chapter 2 of this report. Additional analyses of student responses to survey questions are described in Chapter 3.

Longitudinal Surveys of District and School Sample Personnel. The annual survey of a longitudinal representative sample of 24 districts and approximately 90 of their high schools continued for the fourth consecutive year; one district's refusal required replacement of that district, including three schools. The surveys, which were administered to principals and English-language arts and mathematics teachers, provided a continuing look at schools' perspectives of the impact of the CAHSEE on their programs. In addition, testing coordinators were surveyed for the second year to identify problems with the administration of the CAHSEE. Results from these analyses are described in Chapter 4 of this report.

Findings and Recommendations

The main findings and recommendations stemming from Year 4 evaluation activities are presented in Chapter 5. In brief, the general findings are as follows:

General Finding 1. While precise comparisons are not possible, by the end of 10th grade passing rates for students in the Class of 2005 were slightly lower than passing rates for students in the Class of 2004.

General Finding 2: Available evidence indicates that the CAHSEE has not led to any increase in dropout rates. In fact enrollment declines from 10th to 11th grade for the Class of 2004 were significantly lower than declines for prior high school classes.

General Finding 3: More students in the Class of 2005 believed that the CAHSEE was important to them compared to Class of 2004 students when they were in the 10th grade. Slightly more said they did as well as they could on the exam. Expectations for graduation and post-high school plans were largely unchanged for the Class of 2005 in comparison to the Class of 2004.

General Finding 4: Schools are continuing efforts to ensure that the California Content Standards are covered in instruction and to provide support for students who need additional help in mastering these standards. Many programs that were in the planning stages or only partially implemented a year ago have now been fully implemented.

General Finding 5: Teacher and principal expectations for the impact of CAHSEE on students are largely unchanged from prior years.

General Finding 6: Professional development in the teaching of the content standards has not yet been extensive.

General Finding 7: There were no significant problems with local understanding of test administration procedures, but some issues remain with the provision of student data and the assignment of testing accommodations.

Subsequent to the 2003 administrations, the Board deferred implementation of the CAHSEE requirement to the Class of 2006. Based on information available to date (as summarized in our general findings), we offer four recommendations for future administration of the CAHSEE.

Recommendation 1: Restarting the exam with the Class of 2006 provides some opportunities for improvement; however, careful consideration should be given to any changes that are implemented.

The AB 1609 study report (Wise et al., May 2003) included several recommendations for changes that could ensure better alignment of what is tested with what is taught, making it easier for all students to demonstrate adequate mastery of the intended content. At its July 2003 meeting, the Board approved plans to shorten the ELA testing to a single day and to reduce cognitive demands for mathematics questions while still assessing the same standards. Changes to the score scale and possibly even the reexamination of test content specifications are also being considered.

Given the opportunity to restart the CAHSEE for the Class of 2006 next year, consideration of such changes is entirely appropriate. An exact equating of scores from new administrations to scores from prior administrations is not necessary, since the prior administrations no longer “count.” (All students tested to date are no longer required to pass the CAHSEE.) Nonetheless, the time to implement changes is very short. Forms for the 2004 administrations must be printed by about December of this year, so there is no time to develop and field test new questions. In addition, current procedures have worked very well. A careful review will be needed to ensure that proposed alternatives will work equally well.

We are particularly concerned that there be adequate technical review of plans to reduce the testing time for ELA to a single day. Members of the original HSEE Standards Panel that recommended the content to be covered by the test felt strongly about the need for students to demonstrate their ability to write coherently. To what extent will eliminating one of the two essay questions increase errors in classifying students as passing or not passing? Will the relative weight assigned to writing versus reading and to the writing standards covered by the essays in particular be changed? There is, unfortunately, not time for the Board to seek the advice of another panel of content experts on these matters, but a careful technical review is both feasible and important.

Recommendation 2: The Department of Education and the State Board of Education should continue to monitor and encourage efforts by districts and schools to implement effective standards-based instruction.

Results from the AB 1609 study (Wise et al., May 2003) indicated that standards-based instruction was widely available in both middle and high schools. High school instruction includes significant new efforts to provide second-chance opportunities for students who did not fully master required skills during initial instruction. The study also found,

however, that current instruction was not effective in that many students taking the standards-based courses offered still could not pass the CAHSEE. There were indications that instruction was likely to improve for students in high school classes beyond 2004 and 2005. Ensuring that effective instruction is available to all students remains critical to the successful implementation of the CAHSEE requirements. CDE must monitor further improvements to standards-based instruction and both CDE and the Board should encourage further efforts in this regard. Providing information on exemplary programs to other districts is one example of how such efforts might be encouraged.

Recommendation 3: Professional development for teachers is a significant opportunity for improvement.

Results from the AB 1609 study indicated that many students were taking initial and remedial courses covering the California Content Standards included on the CAHSEE, but not benefiting fully from these courses. One reason was that the students did not have important prerequisite knowledge or skills. Additional professional development for teachers could help them be more effective in the courses they are already teaching and also could help them identify students needing additional help with prerequisite skills. One particular target of opportunity identified in the AB 1609 study was that a significant number of teachers involved in remedial mathematics had considerable experience with special education students, but less training in mathematics itself.

Recommendation 4: Further consideration of the CAHSEE requirements for special education students is needed, in light of the low passing rates for this group. Apparent disparities between racial and ethnic groups within the special education population require further investigation.

In our evaluation activities, we have introduced separate consideration of special education students who are able to participate in regular classes and those who cannot. Treating all special education students as a single group may mask solutions that could help those able to master critical content standards, while setting more realistic expectations for students who cannot reasonably be expected to master these standards.

The very low passing rate, particularly in mathematics, for special education students who are African American or Hispanic deserves further investigation. Are these students somehow more severely handicapped? Are they concentrated in less effective schools? How can we best understand and remediate these discrepancies?

Overall, the CAHSEE requirement continues to have a significant impact on instruction and student achievement. Much work remains to be done in helping all students meet the standards for high school graduation that have been established. CDE and the Board face continuing challenges in implementing the CAHSEE requirement.

California High School Exit Examination

Demographic Summary for All Students Tested - State Report- Grade 10 English-Language Arts Combined 2003

File Date: 9/24/2003

Note: correction process pending

	Number Tested	Number Passed	Percent Passed	Number Not Passed	Percent Not Passed
Grade					
Tenth	404,371	315,799	78%	88,572	22%
Gender					
Male	205,760	151,911	74%	53,849	26%
Female	197,961	163,535	83%	34,426	17%
Unknown	650	353	54%	297	46%
Race/Ethnicity					
American Indian or Alaska Native	3,473	2,721	78%	752	22%
Asian	38,139	32,556	85%	5,583	15%
Pacific Islander	2,688	2,072	77%	616	23%
Filipino	12,211	10,903	89%	1,308	11%
Hispanic or Latino	158,853	104,432	66%	54,421	34%
African American (not of Hispanic origin)	31,991	21,934	69%	10,057	31%
White (not of Hispanic origin)	151,889	137,781	91%	14,108	9%
Unknown	5,127	3,400	66%	1,727	34%
Language Fluency					
English Only Students	255,112	216,501	85%	38,611	15%
Initially Fluent English Proficient (IFEP)	36,353	31,642	87%	4,711	13%
Redesignated Fluent English Proficient (RFEP)	42,781	37,529	88%	5,252	12%
English Learner Students	68,016	28,828	42%	39,188	58%
Unknown	2,109	1,298	62%	811	38%
Economic Status					
Non-Economically Disadvantaged Students	267,061	228,103	85%	38,958	15%
Economically Disadvantaged Students	132,395	84,466	64%	47,929	36%
Unknown	4,915	3,230	66%	1,685	34%
Special Education Program Participation					
Students Receiving Services	33,697	11,709	35%	21,988	65%
Students Not Receiving Services	370,674	304,090	82%	66,584	18%

-- To protect privacy, no results for any group with 10 or fewer students will be released.

California High School Exit Examination

Demographic Summary for All Students Tested - State Report- Grade 10 Mathematics Combined 2003

File Date: 9/24/2003

Note: correction process pending

	Number Tested	Number Passed	Percent Passed	Number Not Passed	Percent Not Passed
Grade					
Tenth	417,292	244,692	59%	172,600	41%
Gender					
Male	212,534	124,663	59%	87,871	41%
Female	204,030	119,779	59%	84,251	41%
Unknown	728	250	34%	478	66%
Race/Ethnicity					
American Indian or Alaska Native	3,634	1,958	54%	1,676	46%
Asian	38,488	31,787	83%	6,701	17%
Pacific Islander	2,784	1,544	55%	1,240	45%
Filipino	12,436	9,121	73%	3,315	27%
Hispanic or Latino	165,676	68,336	41%	97,340	59%
African American (not of Hispanic origin)	33,610	12,179	36%	21,431	64%
White (not of Hispanic origin)	155,203	117,332	76%	37,871	24%
Unknown	5,461	3,005	55%	2,456	45%
Language Fluency					
English Only Students	262,753	169,675	65%	93,078	35%
Initially Fluent English Proficient (IFEP)	37,350	24,992	67%	12,358	33%
Redesignated Fluent English Proficient (RFEP)	44,389	28,260	64%	16,129	36%
English Learner Students	70,506	20,858	30%	49,648	70%
Unknown	2,294	907	40%	1,387	60%
Economic Status					
Non-Economically Disadvantaged Students	274,093	184,351	67%	89,742	33%
Economically Disadvantaged Students	137,870	58,066	42%	79,804	58%
Unknown	5,329	2,275	43%	3,054	57%
Special Education Program Participation					
Students Receiving Services	35,268	5,745	16%	29,523	84%
Students Not Receiving Services	382,024	238,947	63%	143,077	37%

-- To protect privacy, no results for any group with 10 or fewer students will be released.

California High School Exit Examination

Demographic Summary for All Students Tested - State Report- Grade 11* English-Language Arts

Combined 2003

File Date: 9/24/2003

Note: correction process pending

	Number Tested*	Number Passed	Percent Passed	Number Not Passed	Percent Not Passed
Grade					
Eleventh	170,421	60,183	35%	110,238	65%
Gender					
Male	99,815	32,997	33%	66,818	67%
Female	70,041	27,009	39%	43,032	61%
Unknown	565	177	31%	388	69%
Race/Ethnicity					
American Indian or Alaska Native	1,424	582	41%	842	59%
Asian	12,213	4,057	33%	8,156	67%
Pacific Islander	1,309	533	41%	776	59%
Filipino	3,083	1,449	47%	1,634	53%
Hispanic or Latino	96,612	28,926	30%	67,686	70%
African American (not of Hispanic origin)	19,074	6,541	34%	12,533	66%
White (not of Hispanic origin)	31,206	15,985	51%	15,221	49%
Unknown	5,500	2,110	38%	3,390	62%
Language Fluency					
English Only Students	80,721	35,191	44%	45,530	56%
Initially Fluent English Proficient (IFEP)	9,733	4,399	45%	5,334	55%
Redesignated Fluent English Proficient (RFEP)	10,305	4,810	47%	5,495	53%
English Learner Students	67,446	14,857	22%	52,589	78%
Unknown	2,216	926	42%	1,290	58%
Economic Status					
Non-Economically Disadvantaged Students	85,746	35,455	41%	50,291	59%
Economically Disadvantaged Students	78,054	22,057	28%	55,997	72%
Unknown	6,621	2,671	40%	3,950	60%
Special Education Program Participation					
Students Receiving Services	36,938	6,152	17%	30,786	83%
Students Not Receiving Services	133,483	54,031	40%	79,452	60%

-- To protect privacy, no results for any group with 10 or fewer students will be released.
*Note: This number represents only the Grade 11 students who had not yet passed this part of the CAHSEE.
Grade 11 students had up to three opportunities to take the CAHSEE in 2002-03.

California High School Exit Examination

Demographic Summary for All Students Tested-State Report- Grade 11* Mathematics

Combined 2003

File Date: 9/24/2003

Note: correction process pending

	Number Tested*	Number Passed	Percent Passed	Number Not Passed	Percent Not Passed
Grade					
Eleventh	318,696	68,892	22%	249,804	78%
Gender					
Male	155,759	33,194	21%	122,565	79%
Female	161,761	35,440	22%	126,321	78%
Unknown	1,176	258	22%	918	78%
Race/Ethnicity					
American Indian or Alaska Native	2,777	588	21%	2,189	79%
Asian	14,438	4,896	34%	9,542	66%
Pacific Islander	2,501	600	24%	1,901	76%
Filipino	6,952	2,191	32%	4,761	68%
Hispanic or Latino	174,778	31,486	18%	143,292	82%
African American (not of Hispanic origin)	37,360	5,686	15%	31,674	85%
White (not of Hispanic origin)	70,233	21,448	31%	48,785	69%
Unknown	9,657	1,997	21%	7,660	79%
Language Fluency					
English Only Students	172,613	40,466	23%	132,147	77%
Initially Fluent English Proficient (IFEP)	23,520	5,847	25%	17,673	75%
Redesignated Fluent English Proficient (RFEP)	30,249	7,888	26%	22,361	74%
English Learner Students	88,696	13,809	16%	74,887	84%
Unknown	3,618	882	24%	2,736	76%
Economic Status					
Non-Economically Disadvantaged Students	176,292	42,887	24%	133,405	76%
Economically Disadvantaged Students	130,740	23,278	18%	107,462	82%
Unknown	11,664	2,727	23%	8,937	77%
Special Education Program Participation					
Students Receiving Services	50,663	3,520	7%	47,143	93%
Students Not Receiving Services	268,033	65,372	24%	202,661	76%

-- To protect privacy, no results for any group with 10 or fewer students will be released.
*Note: This number represents only the Grade 11 Students who had not passed this part of the CAHSEE.
Grade 11 students had up to three opportunities to take the CAHSEE in 2002-03.

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 19

NOVEMBER 2003 AGENDA

SUBJECT		
California High School Exit Examination (CAHSEE): Re-Evaluation of the CAHSEE Passing Score	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

The State Superintendent of Public Instruction recommends that the State Board of Education (SBE) maintain the current CAHSEE passing scores at 60 percent of the items correct for English-language arts and at 55 percent of the items correct for mathematics.

Summary of Previous State Board of Education Discussion and Action

Senate Bill 2X authorized the California High School Exit Examination (CAHSEE). The purpose of the CAHSEE was stated in the bill. Senate Bill 2X stated that "local proficiency standards are generally set below a high school level and are not consistent with state adopted academic content standards. In order to significantly improve pupil achievement in high school and to ensure that pupils who graduate from high school can demonstrate grade level competency in reading, writing, and mathematics, the state must set higher standards for high school graduation." The SBE adopted the CAHSEE in September 2000.

In June 2001, the Superintendent brought the results from the first standard setting to the SBE to set the CAHSEE passing scores for the Class of 2004. At that time, the standard setting results were based on the volunteer ninth graders who took the test for the first time in March 2001. The Superintendent recommended setting a provisional passing score at 60 percent of the items correct for English-language arts and at 55 percent of the items correct for mathematics.

The student performance data on the March 2001 administration demonstrated that attaining these passing scores on the test would be very challenging for many groups of students. The SBE adopted the Superintendent's recommendations and, in doing so, stated that these provisional passing scores would be re-evaluated within two years.

Summary of Key Issue(s)

Several events occurred between 2001 and 2003:

- The Legislature changed the law to provide a census testing of all tenth graders once each year, not allowing ninth graders to volunteer to take the test (Assembly Bill 1609, Ch. 716, 2001).

- Assembly Bill 1609 also required the CDE, with the approval of the SBE, to contract with an independent evaluator to determine if the test development and standards-based instruction were implemented appropriately for a high-stakes test. A contract was entered into with the Human Resources Research Organization (HumRRO). The report from this study, known as the AB 1609 Study Report, was presented in May 1, 2003.

- In May 2003, based on the findings of the AB 1609 Study Report, the Superintendent recommended that the requirements to pass the CAHSEE as a condition of graduation from high school be postponed to the Class of 2006. SBE approved Superintendent's recommendation in July 2003.

- The Superintendent also recommended that the test be reduced from three days to two days. SBE approved Superintendent's recommendation in July 2003.

- Students in the Class of 2004 who had not passed the CAHSEE in 2001 continued to take the test and students in the Class of 2005 took the CAHSEE for the first time in spring 2003.

<u>AB 1609 Study Report</u>

The AB 1609 Study Report, presented to the SBE in May 2003, concluded that:

- The development of the CAHSEE meets all required professional standards for use as a graduation test.

- The CAHSEE has led to dramatically increased coverage of the English-language arts and mathematics content standards at the middle and high school levels, including the development of remedial or supplemental courses targeting students who did not pass the CAHSEE.

- High school passing rates are closely related to the reported coverage of the standards assessed by the CAHSEE in the high school curriculum.

- Not all high schools have fully implemented the standards.

- Students may not have had instruction in the prerequisite skills required for the standards based courses.

- Many factors suggest that the effectiveness of standards based instruction will improve for each succeeding class after the Class of 2004.

Based on the findings of this study and the totality of information presented to SBE, the SBE voted to postpone the requirement to pass the CAHSEE as a condition of graduation until 2006.

Review of the CAHSEE Blueprints

A common practice for monitoring the validity and reliability of a high-stakes test is periodically reviewing the test blueprints to ensure that the test is measuring what it is intended to measure (the academic content standards in English-language arts and mathematics) and that the test questions are aligned with this content. Reviewing the blueprints is also important because the CAHSEE is being used for No Child Left Behind (NCLB) for the assessment of what grade 10 students should know and be able to do. CDE reviewed the blueprints and made recommendations to the SBE for revisions. The test contractor working with CDE will align the measurement of the mathematics standards to be a more appropriate assessment of what the test is intending to measure. The items being deleted from the blueprints were either redundant and were tested elsewhere on the CAHSEE or were found not to be suitable for multiple-choice exams. Revised blueprints were presented to the SBE and were approved in July 2003.

Revisions for the English-language arts (ELA) portion of the test are listed below:

- Deleted one writing prompt, reduced the number of multiple-choice items from 80 to 72, and reduced the field test multiple-choice items from 12 to 7 in order to reduce the testing time from two days to one day.

- Deleted Reading standard 2.2 that requires students to prepare a bibliography of reference materials for a report.

- Deleted Writing strategy standard 1.3 that requires students to develop clear research questions and suitable research methods to elicit and present evidence from primary and secondary sources.

- Deleted Writing strategy standard 1.6 that requires students to integrate quotations and citations into a written text while maintaining the flow of ideas.

- Deleted Writing Conventions standard 1.5 that requires students to use appropriate manuscript requirements, including title page presentation, pagination, spacing and margins, etc.

Revisions for the Mathematics portion of the test are listed below:

- Increased the number of items assessed from one to three for the Grade 6 Statistics, Data Analysis, and Probability Standard 1.1 that requires students to

compute the mean, median, and mode of data sets.

- Deleted the Grade 7 Statistics, Data Analysis, and Probability Standard 1.2 that require students to compute the minimum, the lower quartile, the median, the upper quartile, and the maximum of a data set.

- Deleted the stem-and-leaf plot and box-and whiskers plot as examples of forms to display data from the Grade 7 Statistics, Data Analysis, and Probability Standard 1.1 that requires students "know various forms of display for data sets; use the forms to display a single set of data or to compare two sets of data."

- Increased the number of items assessed from one to two for the Grade 7 Mathematical Reasoning Standard 2.1 that requires students to use estimation to verify the reasonableness of calculated results.

- Deleted the Grade 7 Mathematical Reasoning Standard 3.1 that requires students to evaluate the reasonableness of the solution in the context of the original solution.

September 2003 Standard Setting

Educational Testing Service (ETS) conducted a Bookmark standard setting workshop for CAHSEE on September 18-20, 2003, replicating the process conducted by the American Institutes for Research in 2001. The purpose of the standard setting was to ask the two different panels to look at the CAHSEE and to judge how many items students would have to get correct to demonstrate sufficient knowledge and skills to pass the exam. Four panels were recruited: two each in English-language arts and mathematics. Within each subject, there was one panel of 18-24 teachers and one panel of 18-24 business leaders, community members, and education administrators. These groups represented the wide range of demographics in California.

The panel members took an abbreviated version of the test on which they would be setting standards. They were given an introduction to the Bookmark process and had a chance to practice placing a bookmark. Each panel completed three rounds of reviewing the test items and determining at what point in the test book they felt that students have demonstrated sufficient knowledge and skills in that subject area to pass the CAHSEE. The test book was arranged from easiest to hardest items based on how grade 10 students in 2003 performed on each item. The panel members discussed their placements but each person placed his or her bookmark independently. The Panels' recommended scores are higher than the current pass scores. See Attachment 2 for each Panel's recommended median pass scores for ELA and mathematics.

The projected results are estimates for the Class of 2006 as first-time test takers and the results may vary slightly, either higher or lower. Based on the past history of student performance on the CAHSEE, as students have more opportunities to acquire the knowledge and skills on the standards assessed on the exam more will pass.

Recommendation

Given the AB 1609 Study Report findings and the results of the September 2003 standard setting, the Superintendent believes that it is too early to change the CAHSEE passing scores. The standards have been integrated into instructional materials and instruction in the past few years and the AB 1609 Study Report predicted "the effectiveness of standards-based instruction will improve for each succeeding class after the class of 2004, but the speed with which passing rates will improve is currently unknown." The Superintendent recommends maintaining the current passing score for the CAHSEE at 60 percent of the items correct for English-language arts and 55 percent of the items correct for mathematics.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

Attachment 1: California High School Exit Examination (CAHSEE) Grade 10 Passing Results from 2002-2003 CAHSEE Administrations (Pages 1)

Attachment 2: California High School Exit Examination (CAHSEE) Recommended Pass Scores for English-language arts and Mathematics Based on Revised Blue Prints (Pages 2)

California High School Exit Examination (CAHSEE)
Grade 10 Passing Results from 2002-2003 CAHSEE Administration

Table 1. Grade 10 (Class of 2005) Pass Rates by Subgroup

	Passing Score/ Percent Correct	All Students	African Americans	Asians	Hispanics	Whites	English Learners	Special Ed. Students	Males	Females	Economically Disadvantaged (NSLP[1])	Lowest 20% of Schools[2]
English-Language Arts	60%	78%	69%	85%	66%	91%	42%	35%	74%	83%	64%	N/A
Mathematics	55%	59%	36%	83%	41%	76%	30%	16%	59%	59%	42%	N/A

1 NSLP – Students are identified as economically disadvantaged if they receive free or reduced lunch through the National School Lunch Program.
2 Lowest 20% of schools is determined by average school-level performance on the CAHSEE assessments and includes all students in the lowest performing schools, regardless of their individual scores.

California High School Exit Examination (CAHSEE)

Recommended Pass Scores For English-Language Arts and Mathematics Based on Revised Blue Prints

Table 1. Community Panel's Median Pass Scores For English-Language Arts and Mathematics and Consequence Data for Subgroups.

Projected Percentage of Students Passing at or Above Score Based on Grade 10 Spring 2003 Data

	Passing Score/ Percent Correct	All Students	African Americans	Asians	Hispanics	Whites	English Learners	Special Ed. Students	Males	Females	Economically Disadvantaged (NSLP)	Lowest 20% of schools
English-Language Arts	67%	68%	55%	77%	50%	84%	24%	28%	63%	72%	48%	18%
Mathematics	70%	47 %	24%	74%	28%	63%	19%	15%	47%	46%	29%	4%

Table 2. Teacher Panel's Median Pass Scores For English-Language Arts and Mathematics and Consequence Data for Subgroups.

Projected Percentage of Students Passing at or Above Score Based on Grade 10 Spring 2003 Data

	Passing Score/ Percent Correct	All Students	African Americans	Asians	Hispanics	Whites	English Learners	Special Ed. Students	Males	Females	Economically Disadvantaged (NSLP)	Lowest 20% of schools
English-Language Arts	64%	71%	58%	79%	54%	86%	28%	31%	66%	75%	52%	21%
Mathematics	66%	52%	29%	79%	34%	69%	23%	19%	52%	52%	35%	5%

Table 3. SUPERINTENDENT'S Recommended Pass Scores For English-Language Arts and Mathematics and Consequence Data.

Projected Percentage of Students Passing At or Above Score Based on Grade 10 Spring 2003 Data

	Passing Score/ Percent Correct	All Students	African Americans	Asians	Hispanics	Whites	English Learners	Special Ed. Students	Males	Females	Economically Disadvantaged (NSLP)	Lowest 20% of schools
English-Language Arts	60%	76%	66%	83%	62%	90%	37%	37%	71%	80%	60%	27%
Mathematics	55%	67%	47%	87%	52%	83%	40%	31%	67%	68%	53%	16%

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 20

NOVEMBER 2003 AGENDA

SUBJECT		
California High School Exit Examination (CAHSEE): Approval of District Apportionment for 2003-2004	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Approve the following change to the CAHSEE district apportionment amount:

California High School Exit Examination (CAHSEE)

- $2.68 for each student who is tested on either the English-language arts and/or mathematics portion of the CAHSEE; and
- $0.32 for each answer document submitted with completed demographic information.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approves the amount to be apportioned to school districts to offset the costs associated with administering California's state tests. In 2001, the SBE approved $3 per student for taking one or both portions of the CAHSEE.

Summary of Key Issue(s)

The apportionment amount of $3.00 is unchanged. Because the CAHSEE is being used for No Child Left Behind (NCLB), school districts submit an answer document for each grade 10 student. The answer documents will provide the basis for the calculation of the participation rate for NCLB. Schools are required to have a 95 percent participation rate to meet federal guidelines. The answer document contains extensive demographic information that the school district must complete. This additional requirement was included in the proposed regulations approved by the SBE in September.

By revising the apportionment from $3.00 for each student tested to $2.68 for each student tested and $.32 for each answer document submitted with completed demographic information, the school districts will be able to recover costs for the work spent in completing the answer documents. This is similar to how the STAR is apportioned. This revised apportionment will apply to all grade levels.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

None

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 21

NOVEMBER 2003 AGENDA

SUBJECT		
California English Language Development Test (CELDT) Update: Including, but not limited to, 2002-03 Initial Identification Results	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

The following item is provided to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

The 2002 CELDT annual assessment results were presented to SBE March 2003.

Summary of Key Issue(s)

2003 Annual Assessment
Information regarding the administration of the 2003-04 annual assessment will be provided as a January SBE item.

Kindergarten and Grade 1 Reading and Writing Assessment
Assembly Bill (AB) 1765 was chaptered and enacted the 2003-2004 State Budget Act. Section 6110-113-0890 (13) of the Budget Act provides for $1,400,000 of Title VI funding for the development of reading and writing assessments for English Learner students. It reads:

> "Funds appropriated in Schedule (13) are available pursuant to legislation enacted during the 2003-04 Regular Session for the development of reading and writing assessments for English language learners in Kindergarten or Grade 1 to comply with the No Child Left Behind Act of 2001 (P.L. 107-110), which requires assessments of English proficiency to include an assessment of progress in attaining English reading and writing skills."

Legislation has not been introduced or passed that would enable the California Department of Education to access the allocated funds for the development of such an assessment.

2002-03 Initial Identification Results
The current contractor, CTB/McGraw-Hill, will be providing the California Department of Education (CDE) with preliminary results for the 2002-03 CELDT initial identification.

Summary of Key Issue(s)

Upon receiving the data files, CDE will prepare preliminary analyses for SBE with the information listed below.

1. Initial Identification Number and Percent of Students by Grade
2. Initial Identification Number and Percent of Students by Overall Proficiency Level
3. Initial Identification Estimate of Fluency

Public access to the CELDT results via the Internet will also be underway pursuant to the requirements of *California Education Code* section 60812; 2002-03 initial identification results should be available in early December.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

The preliminary analysis of the CELDT 2002-03 initial identification results will be provided in a Last Minute Memorandum.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: October 31, 2003**

From: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

Re: **ITEM #21**

Subject: California English Language Development Test (CELDT) Update: Including but Not Limited to 2002-03 Initial Identification Results

Please insert the following attachment:

Attachment 1: California English Language Development Test (CELDT) Preliminary 2002-2003 Initial Identification Results (Pages 1-4)

California English Language Development Test (CELDT)
Preliminary 2002-2003 Initial Identification Results

The analysis presented in this report was based on a review of the 2002-2003 (July 1, 2002-June 30, 2003) CELDT initial identification preliminary data provided to the California Department of Education (CDE) by CTB/McGraw-Hill.

List of Tables

Table #	Table Title	Page
1	Number and Percent of Students who took the CELDT for Initial Identification Purposes by Grade	2
2	Percent of Students who took the CELDT for Initial Identification Purposes by Grade and Overall Proficiency Level	3
3	Initial Identification Estimate of Fluency Based on Initial Identification Criteria	4

Table 1. Number and Percent of Students who took the CELDT for Initial Identification Purposes by Grade

		K	1	2	3	4	5	6	7	8	9	10	11	12	*Total*
2002-03 II	Number	219,130	41,972	26,459	24,595	22,931	21,019	20,931	21,718	17,030	31,235	17,303	12,023	7,146	*483,492*
	Percent	45	9	5	5	5	4	4	4	4	6	4	2	1	*98%*
2001-02 II	Number	260,024	35,637	26,432	24,685	22,868	21,072	20,077	19,069	16,085	32,184	15,294	11,341	6,549	*511,317*
	Percent	51	7	5	5	4	4	4	4	3	6	3	2	1	*99%*

*Note: Totals may not add to 100% due to rounding.

Key Findings:

- The number of newly-enrolled students whose home language was not English, who took the CELDT for Initial Identification purposes, was slightly lower in 2002-03 compared to 2001-2002.
- Nearly half of the students who took the CELDT for Initial Identification purposes were in kindergarten.

Explanatory Note:

A certain percentage of students who take the test for Initial Identification purposes will be classified initial fluent English proficient (I-FEP); therefore, the number of students who are tested for Initial Identification purposes is higher than the number of students identified as English Learners (EL) each year. Although this is an anticipated outcome of the initial CELDT assessment, the number tested appears to be higher than would be expected. Input from the field indicates that higher numbers are being tested due to multiple Home Language Surveys (HLS). During the enrollment process, many receiving districts are administering the HLS to all new students whether or not they had completed the survey in another district. (The HLS only is to be administered the first time a new student enrolls in a California public school).

Table 2. Percent of Students who took the CELDT for Initial Identification Purposes by Grade and Overall Proficiency Level

		K	1	2	3	4	5	6	7	8	9	10	11	12	*All Grades*
2002-03 II	% Beginner	26	23	35	38	34	33	29	31	31	31	26	18	14	*28*
	% Early Intermediate	27	17	16	18	13	10	12	11	11	11	13	12	10	*20*
	% Intermediate	28	28	24	23	22	20	23	20	19	21	22	24	26	*25*
	% Early Advanced	14	20	16	13	17	19	19	19	19	22	23	26	28	*17*
	% Advanced	5	12	9	8	14	19	17	19	20	15	15	20	21	*10*
	% TOTAL*	100	100	100	100	100	101	100	100	100	100	99	100	99	*100*
2001-02 II	% Beginner	30	26	37	39	34	32	31	33	32	32	28	18	14	*30*
	% Early Intermediate	29	17	18	21	16	12	12	11	11	10	13	11	9	*22*
	% Intermediate	26	28	26	24	26	23	26	23	23	22	24	27	30	*26*
	% Early Advanced	12	21	14	11	17	20	22	23	23	24	24	29	30	*16*
	% Advanced	3	8	5	4	8	12	8	10	11	11	12	15	17	*6*
	% TOTAL*	100	100	100	99	101	99	99	100	100	99	101	100	100	*100*

2002-03 Initial Identification N=483,492 2001-02 Initial Identification N=511,317
*Note: Totals may not add to 100% due to rounding.

Key Findings:

- In general, the percentage of students achieving higher English language proficiency levels increased as the grade level in which the students enrolled increased.
- Entering students who took the CELDT in 2002-2003 for Initial Identification purposes scored slightly better in English language proficiency than students who took the test in 2001-2002 for Initial Identification purposes.

Table 3. Initial Identification Estimate of Fluency Based on Initial Identification Criteria*

		K	1	2	3	4	5	6	7	8	9	10	11	12	*All Grades*
2002-03	% Probable Initial Fluent English Proficient (I-FEP)*	19	32	20	16	27	34	34	36	37	37	37	45	48	*26*
2001-02	% Probable Initial Fluent English Proficient (I-FEP)*	15	28	17	14	23	31	30	32	34	35	35	44	46	*22*
	% Difference between 2001-02 and 2002-03 rates	4	4	3	2	4	3	4	4	3	2	2	1	2	*4*

2002-03 Initial Identification N=483,492 2001-02 Initial Identification N=511,317

*Note: Criteria for initial fluent English proficient (I-FEP): scoring at least Early Advanced Overall with all Skill Area scores at least Intermediate. The State Board of Education set the criteria in May of 2001.

Key Findings:

- The percentage of students who met the criteria for I-FEP was slightly greater in 2002-2003 compared to 2001-2002.
- Most students (74 percent) who took the CELDT for initial identification purposes did not meet the I-FEP criteria.
- In general, students in the higher grades taking the CELDT for Initial Identification purposes met the I-FEP criteria at a higher rate compared to students in the lower grades.

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 22

NOVEMBER 2003 AGENDA

SUBJECT		
Academic Performance Index (API): Report on Growth for 2002-03	☐	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

This is an information item on the results of the API growth for 2002-03.

Summary of Previous State Board of Education Discussion and Action
This is the fourth base-to-growth cycle of the API. The previous cycles were 1) 1999-2000; 2) 2000-2001; and 3) 2001-2002.

Summary of Key Issue(s)

This is the first growth cycle where the California Standards-based Tests (CSTs) carry the dominant weight in the API (nearly 90% for high schools and 80% for elementary and middle schools). The results are extremely encouraging with 90% of schools showing improvement and nearly 80% meeting their growth targets. This year's growth report includes a new reporting feature: a school's comparison of growth relative to its similar schools.

Fiscal Analysis (as appropriate)

None

Attachment(s)

Attachment 1: Press Release (Pages 6)
Attachment 2: API Indicator Weights (Pages 1)
http://www.cde.ca.gov/psaa/api/api0203/growth/astpk03g.pdf (Page10)
Attachment 3: Sample Internet School Reports for 2002 to 2003 Growth (pages 2)
http://www.cde.ca.gov/psaa/api/api0203/growth/astpk03g.pdf
(Pages 50-51)

CALIFORNIA DEPARTMENT OF EDUCATION
NEWS RELEASE

CONTACT: Pam Slater pslater@cde.ca.gov 916/319-0818
REL#03-64 Rick Miller rdmiller@cde.ca.gov 10/24/03

STATE SUPERINTENDENT O'CONNELL ANNOUNCES NEARLY ALL CALIFORNIA SCHOOLS IMPROVED ACADEMICALLY LAST YEAR

LOS ANGELES – State Superintendent of Public Instruction Jack O'Connell today released the 2002-03 Academic Performance Index (API) Growth reports showing that 90 percent of California's public schools improved their scores, and that 78 percent of schools met their academic performance targets – a 26-point gain from 2002.

"This is terrific news," said O'Connell. "I am very proud of our entire education community and am encouraged by the outstanding academic progress our schools are making. These scores show that when given clear standards, even if they are rigorous, our students can and will learn the curriculum."

The 2002-03 API Growth report contains the results for more than 6,400 California public schools and reflects the schools' performances on student assessments that are a part of the California's Standardized Testing and Reporting (STAR) program plus results from the California High School Exit Exam (CAHSEE). This API Growth report marks the fourth year of the completion of an API reporting cycle.

The 2002-03 API Growth reports are available on the California Department of Education's Web site at: http://api.cde.ca.gov

The API is the cornerstone of the statewide accountability system for California public schools, established through the Public Schools Accountability Act (PSAA) in 1999. The API is a numeric index that ranges from a low of 200 to a high of 1000. The 2002 results established the current baseline and academic growth targets for each school's academic performance. A school's annual growth target is set at 5 percent of the difference between the school's base API and the statewide performance target of 800.

Each school's 2002-03 API Growth results were calculated based on tests given in spring 2002 and spring 2003 as part STAR program. The same information is included for each numerically

significant ethnic and socio-economically disadvantaged subgroup at the school. This is the first year that the API growth results have the majority of the weight on tests specifically geared toward California's high standards. Eighty percent of the API for elementary and middle schools rests on the California Standards Tests (CST); while almost 90 percent of the API for high schools rests on the standards tests and the CAHSEE.

Specifically, the API includes the CST English Language Arts, as well as the CST Mathematics results for grades 2-11, the CST Social Science results for grades 10-11, and the CAHSEE results. The remainder of the weight continues to be placed on the national, standardized norm-referenced California Achievement Test, Sixth Edition Survey (CAT/6) (replacing the SAT/9). By placing limited weight on the norm-referenced test, it is then possible to focus on testing to California's high standards while maintaining the ability to benchmark our students against the rest of the nation's school children.

Over the next few years, the API will continue to add indicators, including the standards-based Science tests as well as the California Alternate Performance Assessment. Eventually, the API will include graduation and attendance rates.

Go to: http://www.cde.ca.gov/psaa/api/api0203/growth/astpk03g.pdf for more information on indicator weights (pg. 10) and the future performance indicators (pg. 3).

To meet the API growth target, a school must meet its 5 percent schoolwide target and each numerically significant student subgroup at the school must improve at least 80 percent of the schoolwide target. This year 78 percent of schools met both the schoolwide and subgroup targets – more than a 25-point gain over last year when 52 percent of the schools met targets (see Table 1).

"We have had steady and substantial gains over the last four years," said O'Connell. "As more standards tests are included in the API calculations, greater emphasis is given to their results. These tests are aligned to rigorous state-adopted academic content standards that are considered the toughest in the nation."

While this year's overall results are encouraging, especially in the elementary grades, O'Connell stressed that more work needs to be done to improve the scores of the state's middle schools and high schools. About 26 percent of elementary schools were at or above the state's performance target of 800, whereas only 14 percent of middle schools and 7 percent of high schools reached that level (see Table 3).

"It is clear that the best performance came from the lower grades where statewide reforms,

such as class size reduction, have been in effect for the past several years," said O'Connell. "We admittedly have a long way to go in realizing comparable gains from our high school students. While they are clearly moving in the right direction, we need to explore ways to extend our successful elementary reform efforts to the secondary level."

High schools, however, did post a solid 24-point gain from their 2002 Base API and have reached a median API score of 668. (See Table 4)

About 1,176 schools did not receive 2002-03 Growth APIs for a variety of reasons (see Table 5). Some school districts are still correcting demographic information through the STAR program. As a result, 2002-03 Growth APIs for about 900 schools will not be available until December.

The API is the centerpiece of the statewide accountability system in California public education. The accountability of California schools and school districts is also reported in Adequate Yearly Progress (AYP) reports. These reports are provided as required by the federal No Child Left Behind Act of 2001 (NCLB) and represent the academic status of a school or school district at one point in time each year. Phase I of AYP reporting took place in August 2003, Phase II will be released mid November, and the final reports will be released in January.

# # #

Attachments: Tables 1 through 5

Academic Performance Index (API)
2002-2003 Growth Results

Table 1
Percentage of Schools Meeting Targets

	2002-2003	2001-2002	2000-2001	1999-2000
Elementary	**82%**	**60%**	**64%**	**79%**
Middle	**69%**	**38%**	**51%**	**60%**
High	**67%**	**29%**	**27%**	**41%**
All Schools	**78%**	**52%**	**57%**	**71%**

Table 2
Percentage of Schools With an Increased Schoolwide API

	2002-2003	2001-2002	2000-2001	1999-2000
Elementary	**92%**	**74%**	**78%**	**93%**
Middle	**88%**	**62%**	**72%**	**84%**
High	**89%**	**58%**	**53%**	**72%**
All Schools	**90%**	**69%**	**74%**	**89%**

Academic Performance Index (API)
2002-2003 Growth Results

Table 3
Percentage of Schools At or Above Performance Target of 800

	2003	2002	2001	2000	1999
Elementary	26%	23%	23%	20%	13%
Middle	14%	16%	16%	14%	11%
High	7%	6%	6%	6%	5%
All Schools	21%	20%	20%	17%	12%

Table 4
Median Scores on API by School Type

	2002-2003 Growth	2002 Base	2001 Base	2000 Base	1999 Base
Elementary	729	699	689	675	629
Middle	685	667	668	657	633
High	668	643	635	636	620

Academic Performance Index (API)
2002-2003 Growth Results

Table 5
Reasons Why Some Schools Did Not Receive 2003 Growth Results

		Number of Schools
Schools Receiving 2002 Growth API Report		**6,448**
Schools With API Growth Report Without Target Information		**1,318**
Alternative Schools	1,051	
No 2002 API (New school, no valid API, or no 2002 STAR results)	259	
API Not Comparable (Reported by District)	8	
Subtotal:	1,318	
Schools Without 2003 Growth API Report		**1,176**
Data Corrections Pending from Test Publisher	900	
Excessive Parent Waivers	14	
Testing Irregularities Reported by Districts in 2003	16	
Very Small Schools (fewer than 11 valid scores)	103	
Not a Significant Percentage of 2003 STAR Scores in a Content Area	143	
Subtotal:	1,176	
TOTAL: All Schools, Fall 2002		**8,942**

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 23

NOVEMBER 2003 AGENDA

SUBJECT		
Immediate Intervention/Underperforming Schools Program (II/USP): Proposed intervention for (Cohorts I and II) schools that failed to show significant growth.	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

1. That the State Board of Education (SBE) determine those Cohort I and II schools that will be deemed state-monitored, and
2. That the SBE assign a School Assistance and Intervention Team (SAIT) to all state-monitored schools and allow the local governing board to retain its legal rights, duties, and responsibilities with respect to that school.

Summary of Previous State Board of Education Discussion and Action

At the March 2003 State Board Meeting, the SBE approved the Superintendent of Public Instruction's recommendation that districts of 24 II/USP schools that failed to show significant growth in 2000-01 and 2001-02 contract for the services of an approved SAIT.

At the September 2003 State Board meeting, the State Board of Education (SBE) adopted a revised definition of significant growth to align it with current legislation. Education Code Section 52055.5 (h) requires that any year between the third year of II/USP funding and the time a school exits the program, if the school does not make significant growth, the school is to be deemed state-monitored. Therefore, a yearly assessment on the status of schools "under watch" is required. The State Board made a technical revision to the significant growth definition to align with this requirement:

"Making positive growth on the Schoolwide Academic Performance Index (API) in either of the two funded implementation years *and each year thereafter until the school exits the program.*"

Schools without valid API growth data are unable to demonstrate significant growth as required by law. Therefore, those schools have been included on the lists of schools that are subject to state sanctions/interventions.

Summary of Key Issue(s)

The 2003 Schoolwide API results yield a number of II/USP Cohort I schools that failed to make significant growth this past year and a number of schools in II/USP Cohort II that failed to make significant growth in each of two implementation years in the II/USP program. Education Code Section 52055.5(b) directs the SBE to deem II/USP schools not showing significant growth as state-monitored. The Superintendent of Public Instruction (SPI), with the approval of the SBE, shall invoke sanctions from one of two groups:

Summary of Key Issue(s)

1. According to the provisions of Education Code Section 52055.5(a), the SPI shall:
   - Assume all the legal rights, duties, and powers of the governing board, unless the SPI and the SBE allow the local governing board to retain these rights.
   - Reassign the principal of that school, subject to a hearing, and
   - Do one or more of the following with respect to a state-monitored school:
     - Revise attendance options
     - Allow parents to apply directly to the SBE to establish a charter school
     - Assign the management of the school to a school management organization
     - Reassign other certificated employees of the school
     - Renegotiate a new collective bargaining agreement at the expiration of the existing one
     - Reorganize the school
     - Close the school, and/or
     - Place a trustee at the school for no more than 3 years

2. As an alternative to the above, the SPI, with the approval of the SBE, may require districts to contract with a School Assistance and Intervention Team (SAIT) in lieu of other interventions and sanctions. If the State Board approves, the governing board of the school district may retain its legal rights, duties and responsibilities with respect to that school. [Education Code Section 52055.51(a)]

   - SAITs are comprised of educators with experience in curriculum and instruction aligned to state standards, state-board adopted texts in reading/language arts and math, state-board adopted intervention programs, academic assessment, and fiscal allocations.
   - Teams are fielded by organizations approved by the SPI under criteria adopted by the SBE. Organizations are approved based on demonstrated evidence of turning-around underperforming schools and trained on a state-designed intervention process.

SAITs verify information provided by the district on an Academic Program Survey, which results in a Report of Findings and Corrective Actions adopted by the local governing board, followed by the provision of technical assistance and support and quarterly monitoring of the school's academic progress toward meeting specified benchmarks for improvement.
A Last Minute Memorandum will provide API Base and Growth information for the appropriate years for each school.

Fiscal Analysis (as appropriate)

See related November Board item on Expenditure Plan for appropriations of non-Title I schools (as provided in item 6110-123-0001 of the 2003 Budget Act). Funds for Title I schools are provided in item 6110-136-0890 Schedule 1 of the 2003 Budget Act (estimated expenditures will be approximately $7.5 million.).

Attachment(s)

Attachment 1: Table I - Contains the school performance data on II/USP Cohort I schools that are subject to interventions/sanctions. (Pages 1-2)

Attachment 2: Table II - Contains school performance data on II/USP Cohort II schools that are subject to interventions/sanctions. (Page 1-1)

Table I
Cohort I Schools Subject to State Intervention/Sanctions

County	District	School	Status 2001	Status 2002	Growth 2003
Alameda	Emery Unified	Anna Yates Elementary	Yellow	Red	-3
		Emery High	Red	Yellow	*
	Oakland Unified	Stonehurst Elementary	*	*	*
Butte	Biggs Unified	Biggs Elementary	Green	Red	-99
		Biggs High	Red	Green	-88
Fresno	Mendota Unified	McCabe Junior High	Green	Red	*
	Selma Unified	Wilson (Woodrow) Elementary	Red	Green	-7
	West Fresno Elementary	West Fresno Elementary	Red	Green	-35
Humboldt	Klamath-Trinity Joint Unified	Hoopa Valley Elementary	Yellow	Green	*
Imperial	Central Union High	Central High	Green	Red	-3
		Southwest High	Yellow	Yellow	-27
Los Angeles	Burbank Unified	Providencia Elementary	Yellow	Green	-1
	Compton Unified	Centennial High	Red	*	*
Merced	Merced City Elementary	Reyes (Alicia) Elementary	Green	Yellow	*
		Rivera (Rudolph) Middle	Yellow	Yellow	-20
Monterey	Monterey Peninsula Unified	Del Rey Woods Elementary	Red	Yellow	-15
		Ord Terrace Elementary	Green	Red	-6
Riverside	Palo Verde Unified	Palo Verde High	Green	Red	-8
	Perris Elementary	Sanders (Nan) Elementary	Green	Yellow	-42
Sacramento	Galt Joint Union High	Galt High	Green	Red	-6
San Bernardino	Ontario-Montclair Elementary	Lehigh Elementary	Yellow	Red	*
		Lincoln Development Center for Handi/Kdgn.	*	*	*
San Diego	San Diego Unified	Balboa Elementary YR	Yellow	*	*
		Fulton Elementary	Red	Green	-10

* Indicates school does not have valid API Growth data
Green=Made all API growth targets
Yellow=Made significant growth
Red=Made zero or negative growth

Table I
Cohort I Schools Subject to State Intervention/Sanctions

County	District	School	Status 2001	Status 2002	Growth 2003
San Francisco	San Francisco Unified	Burton (Phillip & Sala) Academic High	Red	Green	-36
		Golden Gate Elementary	Yellow	Green	-35
		Malcolm X Academy (Elem)	Yellow	Red	-40
		Marshall (Thurgood) Academic High	Yellow	Yellow	-9
Santa Clara	Alum Rock Union Elementary	Pala Middle	Yellow	Green	0
	East Side Union High	Lick (James) High	Red	Yellow	-4
	San Jose Unified	Hester Elementary	Yellow	Green	-5
Tehama	Antelope Elementary	Berrendos Middle	Green	Red	-3
Tulare	Tulare Joint Union High	Tulare Western High	Red	Yellow	*

* Indicates school does not have valid API Growth data
Green=Made all API growth targets
Yellow=Made significant growth
Red=Made zero or negative growth

Table II

Cohort II Schools Subject to State Intervention/Sanctions

County	District	School	Status 2002	Status 2003	Growth 2003
Alameda	Hayward Unified	Tennyson High	Red	Red	*
Los Angeles	Inglewood Unified	Woodworth (Clyde) Elementary	Red	Red	-68
	Los Angeles Unified	Bancroft (Hubert Howe) Middle	Red	Red	*
		Fairfax Senior High	Red	Red	*
Riverside	Jurupa Unified	Rubidoux High	Red	Red	*
San Diego	San Diego Unified	O'Farrell Community Charter	Red	Red	*
San Francisco	San Francisco Unified	Treasure Island Elementary	Red	Red	-10
San Mateo	Ravenswood City Elementary	Menlo Oaks Elementary	Red	Red	*
Ventura	Rio Elementary	Rio Plaza Elementary	Red	Red	-1

* Indicates school does not have valid API Growth data

California Department of Education
SBE-006 (REV 07/03)

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: Nov. 7, 2003**

From: **Sue Stickel, Deputy Superintendent**
Curriculum and Instruction Branch

Re: **ITEM # 23**

Subject **IMMEDIATE INTERVENTION/UNDERPERFORMING SCHOOLS PROGRAM (II/USP): PROPOSED INTERVENTION FOR (COHORTS I AND II) SCHOOLS THAT FAILED TO SHOW SIGNIFICANT GROWTH.**

Attached are two charts that provide current API information on the II/USP Cohort I and II schools subject to state intervention. Information includes the appropriate years of Base API, Growth API, and whether or not the school made schoolwide and comparable growth targets.

Schools with an asterisk do not have valid API Growth data. This typically occurred when a school did not test a sufficient number of students or had testing irregularities.

The schools listed in Attachments 3 and 4 represent those schools failing to demonstrate significant growth as part of the October 24th Growth API release. There are likely to be additional schools that fail to demonstrate significant growth as part of the December Growth API release. The following three schools were listed in Item #23 as subject to state intervention but, as a result of data updates, they will be removed from this status:

1. Menlo Oaks Elementary of Ravenswood City Elementary School District closed in 2002 and should not have appeared on the list.

2. The Hoopa Valley Elementary School in Klamath-Trinity Joint Unified School District previously had an invalid API due to testing irregularities of more than 5% of the students. The data have been corrected as the number of students involved in the testing irregularities was less than previously reported.

3. Lincoln Development Center in Ontario-Montclair Elementary School District did not have a valid API because an insufficient number of students were tested. However, half of their student population were subject to the CAPA; with the addition of the CAPA data, they have the required 85% assessment participation rate.

Attachment 5 consists of Powerpoint slides that will be part of the information presented for Item #23.

Attachments to be inserted:

Attachment 3: II/USP Cohort I Schools Subject to State Intervention (Pages 1-2)
Attachment 4: II/USP Cohort II Schools Subject to State Intervention (Page 1-1)
Attachment 5: Powerpoint of 2003 SAIT Process (Pages 1-3)

II/USP Cohort I Schools Subject to State Intervention

District	School	2000 Base	2001 Growth	2001 Sch Wide	2001 Comp Imp	2001 Base	2002 Growth	2002 Sch Wide	2002 Comp Imp	2002 Base	2003 Growth	2003 Sch Wide	2003 Comp Imp
Alum Rock Union Elementary	Pala Middle	532	7	No	No	546	59	Yes	Yes	613	0	No	No
Antelope Elementary	Berrendos Middle	720	56	Yes	Yes	774	-23	No	No	744	-3	No	No
Biggs Unified	Biggs Elementary	669	19	Yes	Yes	694	-1	No	No	678	-99	No	Yes
Biggs Unified	Biggs High	652	-64	No	No	590	50	Yes	Yes	538	**-88	No	No
Burbank Unified	Providencia Elementary	670	45	Yes	No	712	47	Yes	Yes	748	-1	No	No
Central Union High	Central High	542	18	Yes	Yes	561	-1	No	No	613	-3	No	No
Central Union High	Southwest High	560	8	No	No	573	8	No	No	625	-27	No	No
Compton Unified	Centennial High	416	-4	No	No		*				*		
East Side Union High	Lick (James) High	518	-5	No	No	513	4	No	No	524	-4	No	No
Emery Unified	Anna Yates Elementary	693	6	Yes	No	687	-12	No	No		*		
Emery Unified	Emery High	491	-36	No	No	467	21	Yes	No		*		
Galt Joint Union High	Galt High	614	36	Yes	Yes	642	-11	No	No	627	-6	No	No
Mendota Unified	McCabe Junior High	482	81	Yes	Yes	582	-13	No	No		*		
Merced City Elementary	Reyes (Alicia) Elementary	519	39	Yes	Yes	566	18	Yes	No		*		
Merced City Elementary	Rivera (Rudolph) Middle	639	10	Yes	No	639	10	Yes	No	671	-20	No	No
Monterey Peninsula Unified	Del Rey Woods Elementary	623	-29	No	No	610	13	Yes	No	631	-15	No	No
Monterey Peninsula Unified	Ord Terrace Elementary	559	39	Yes	Yes	609	-25	No	No		*		
Oakland Unified	Stonehurst Elementary		*				*				*		
Ontario-Montclair Elementary	Lehigh Elementary	477	11	No	No	505	**-6	No	No		*		
Palo Verde Unified	Palo Verde High	547	41	Yes	Yes	594	-20	No	No	585	-8	No	No
Perris Elementary	Sanders (Nan) Elementary	647	52	Yes	Yes	694	1	No	No	685	-42	No	No
San Diego Unified	Balboa Elementary YR	447	15	No	No		*				*		
San Diego Unified	Fulton Elementary	682	-43	No	No	642	51	Yes	Yes	688	-10	No	No
San Francisco Unified	Burton (Phillip & Sala) Academic High	599	-33	No	No	570	69	Yes	Yes	664	-36	No	No

* Invalid API Growth Data
** API Growth Data was invalidated

II/USP Cohort I Schools Subject to State Intervention

District	School	2000 Base	2001 Growth	2001 Sch Wide	2001 Comp Imp	2001 Base	2002 Growth	2002 Sch Wide	2002 Comp Imp	2002 Base	2003 Growth	2003 Sch Wide	2003 Comp Imp
San Francisco Unified	Golden Gate Elementary	544	5	No	No	573	36	Yes	Yes	634	-35	No	No
San Francisco Unified	Malcolm X Academy (Elem)	549	15	Yes	No	570	-17	No	No	576	-40	No	No
San Francisco Unified	Marshall (Thurgood) Academic High	599	6	No	No	606	12	Yes	No	615	-9	No	No
San Jose Unified	Hester Elementary	558	23	Yes	No	590	91	Yes	Yes	671	-5	No	No
Selma Unified	Wilson (Woodrow) Elementary	649	-40	No	No	614	27	Yes	Yes	639	-7	No	No
Tulare Joint Union High	Tulare Western High	624	-6	No	No	621	2	No	No		*		
West Fresno Elementary	West Fresno Elementary	490	-56	No	No	448	70	Yes	Yes	534	-35	No	No

* Invalid API Growth Data
** API Growth Data was invalidated

II/USP Cohort II Schools Subject to State Intervention

County	District	School	2001 Base	2002 Growth	2002 Sch Wide	2002 Comp Imp	2002 Base	2003 Growth	2003 Sch Wide	2003 Comp Imp
Alameda	Hayward Unified	Tennyson High		*				*		
Los Angeles	Inglewood Unified	Woodworth (Clyde) Elementary	694	-13	No	No	684	-68	No	No
Los Angeles	Los Angeles Unified	Fairfax Senior High		*				*		
Los Angeles	Los Angeles Unified	Bancroft (Hubert Howe) Middle		*				*		
Riverside	Jurupa Unified	Rubidoux High	559	-11	No	No		*		
San Diego	San Diego Unified	O'Farrell Community Charter		*				*		
San Francisco	San Francisco Unified	Treasure Island Elementary	618	-8	No	No	611	-10	No	No
Ventura	Rio Elementary	Rio Plaza Elementary	576	-9	No	No		*		

* Invalid API Growth data

SAIT Training

School Assistance and Intervention Team (SAIT)

Purpose of SAIT

- To provide schools and districts with immediate intervention and support for rapid and significant improvement in reading/language arts and mathematics

Rationale for changing the SAIT process:

- Imperative for rapid improvement in student achievement or more serious consequences
- Adopted strategy intended to leverage immediate, systemic instructional change in reading/language arts and mathematics
- Resource costs for increasingly large number of schools

Essential Program Components are the infrastructure of the system

- State Board-approved or -aligned instructional materials, including interventions
- Effective use of instructional time, including additional time for interventions
- Use of pacing schedules, and at the middle and high school, the design of a master schedule that supports instruction for intensive and strategic students

Essential Program Components

- AB 466 training for teachers in locally adopted materials
- AB 75 training for instructional leaders
- Assessment and Monitoring system to track student progress and target need for instructional changes

Essential Program Components

- Instructional assistance and support, including content experts, coaches and specialists
- Teacher grade level/department level collaborative meetings around data and lesson study
- Alignment of general and categorical funds in a Single School Plan for student achievement

Activities following SPI/SBE assignment of SAIT to state-monitored schools

- LEAs contract with Approved SAIT
- LEA, with SAIT advice, decides on District/School Liaison Team (DSLT)
- DSLT and school complete an Academic Program Survey of nine Essential Program Components for instructional success
- SAIT meets with district and school to verify presence of Essential Program Component

Outcome of Level I SAIT: Essential Program Components **not** substantially in place

- Initial SAIT report, including APS with documentation, describes status of each of nine Essential Program Components.
- Report of Findings and Recommended Corrective Actions call for missing Components to be purchased, installed, and implemented and Single School Plan revised

Continuing Level I SAIT:

- SAIT-developed corrective actions include benchmarks negotiated with District/School Liaison team, and detail everyone's role in getting Essential Program Components in place
- If identified in November 2003, the school should have Essential Program Components in place by June 2004 and will implement them throughout the year ending June 2005, with SAIT support

Expanded District role in SAIT

- District matches SAIT resources
- District appoints District/School Liaison Team (DSLT) to work with the SAIT
- DSLT completes Academic Program Survey
- DSLT facilitates communication among school, district, teachers, parent community, and SAIT
- DSLT helps develop benchmarks and provides support for corrective actions

The Level II SAIT occurs:

- Immediately after Level I, if the components are substantially in place; or
- After 18 months when the components are in evidence and significant growth has failed to occur

Level II SAIT

- Assumes the presence of the Essential Program Components as documented in the Academic Program Survey
- Focuses on deep analysis of the English/language arts and mathematics programs to assess barriers to student achievement and support classroom instruction

In sum, both Level I and Level II SAITs focus on support

- The most important SAIT function is to provide intensive support and expertise to help the school implement the corrective actions and benchmarks
  - Level I: Getting Essential Program Components in place
  - Level II: Intensive professional development, content, pedagogy, and coaching

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 24

NOVEMBER 2003 AGENDA

SUBJECT		
Immediate Intervention/Underperforming Schools (IIUSP): Schools Assistance and Intervention Team (SAIT): Expenditure plan to support activities and corrective actions in non-Title I "state monitored" schools	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

The Department recommends approval of the expenditure plan.

Summary of Previous State Board of Education Discussion and Action

In May 2003, the State Board approved by unanimous vote the FY 2002-03 expenditure plan to support II/USP corrective actions and SAIT activities for four non-Title I "state-monitored" schools.

Summary of Key Issue(s)

The funds appropriated in Budget Act 2003-04, Item 6110-123-0001, Schedule (3) are available upon approval by the State Board of Education to support non-Title I schools in FY 2003-04 to work with School Assistance and Intervention Teams or schools subject to other state sanctions/intervention, as recommended by the Superintendent of Public Instruction (SPI) and approved by the State Board of Education.

The attached table identifies funding amounts for non-Title I schools.

Fiscal Analysis (as appropriate)

None

Attachment(s)

Attachment 1: Expenditure Plan (Page 1-1)

Expenditure Plan

AB 1765 Requirements	Formula	Cost
Budget Act 2003-04, Item 6110-123-0001, Schedule 3, requires that each elementary and middle school under II/USP state sanctions will receive a minimum of $75,000 and each high school will receive a minimum of $100,000 to support the costs of a School Assistance and Intervention Team. (Schools may apply to receive funding up to $125,000). Districts receiving funds shall provide an in-kind match of services, or a match of school district funds in an amount equal to one dollar for every two dollars provided.	Cohort I: 1 elementary school $75,000 3 high schools $100, 000 each Cohort II: 2 high school $100,000 each *SUB TOTAL*	$75,000 $300,000 $200,000 **$575,000**
Budget Act 2003-04, Item 6110-123-0001, Schedule 3, requires that each school that contracts with a SAIT team shall receive $150 per student to improve student learning. Districts receiving funds are required to provide an in-kind match of funds of services or funds in an amount equal to the amount received.	Cohort I: 4 schools at $150 x 3,572 students Cohort II: 2 schools at $150 x 4,569 students (enrollment based on 2002 CBEDS) *SUB TOTAL*	$535,800 $685,350 **$1,221,150**
TOTAL COSTS		**$1,796,150**

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 25

NOVEMBER 2003 AGENDA

SUBJECT	X	**ACTION**
Model Application for Charter Schools		**INFORMATION**
		PUBLIC HEARING

Recommendation:

Approve the Model Application for Charter Schools, which will be posted on the California Department of Education (CDE) Web site.

Summary of Previous State Board of Education Discussion and Action

At the September 2003 meeting, the State Board of Education agenda included a draft of a Model Application for Charter Schools. At President Hastings' direction, consideration of the Model was postponed in order that the Advisory Commission on Charter Schools (ACCS) – which had endorsed the Model only in concept – could review the document further and provide a specific recommendation for approval.

In a presentation to the State Board in July 2003, Nelson Smith, Vice President for Policy and Governance at New American Schools, commented that charter authorizers around the country that are generally recognized as more effective authorizers typically have some form of standardized charter application to help guide and focus the work of prospective charter developers. This document becomes a sort of collection point for all relevant information, as well as an organizational tool to ensure that a charter petition covers all critical issues and does not devote inordinate attention to one issue and scant attention to another.

The ACCS met on September 23, 2003, and reviewed a number of changes to the Model that were recommended by CDE staff. The ACCS recommended approval of the Model Application for Charter Schools with the incorporation of the changes proposed by CDE staff, and that document was provided to the State Board as an Information Memorandum in October 2003.

Summary of Key Issue(s)

The California Constitution is explicit in its requirement to reimburse local agencies of government for state-mandated programs or higher levels of services. Therefore, the Model Application for Charter Schools is explicitly exemplary, not mandatory. As the document itself explains, its purpose is (1) to ensure that charter petitions cover all of the minimum elements required by law in a systematic way, (2) to expedite the process of appeal, by keeping formatting

Summary of Key Issue(s)

generally the same for ease of review at the district, county, and State Board levels, and (3) to provide a measure of uniformity in evaluation among charter authorizers and within the process of appeal.

The Model Application for Charter Schools does not create any new requirements. Rather, it provides useful advice and guidance to charter authorizers and charter developers. The intent is for the Model Application for Charter Schools to be placed on the CDE Web site for use by local education agencies and individuals interested in preparing charters, nothing more. Its use is not required.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachment 1: Model Application for Charter Schools (Pages 1-26)

CALIFORNIA
STATE BOARD OF EDUCATION
MODEL APPLICATION FOR CHARTER SCHOOLS

THE MODEL APPLICATION FOR CHARTER SCHOOLS IS EXEMPLARY, NOT MANDATORY. HOWEVER, THERE ARE THREE REASONS THAT USE OF THIS MODEL IS ENCOURAGED.

- TO ENSURE THAT CHARTER PETITIONERS COVER ALL OF THE MINIMUM ELEMENTS REQUIRED BY LAW IN A SYSTEMATIC WAY.
- TO EXPEDITE THE PROCESS OF APPEAL, BY KEEPING FORMATTING GENERALLY THE SAME FOR THE BENEFIT OF APPELLATE BODIES.
- TO PROVIDE FOR A MEASURE OF UNIFORMITY IN EVALUATION FROM CHARTER AUTHORIZER TO CHARTER AUTHORIZER AND WITHIN THE PROCESS OF APPEAL.

AT THIS TIME, THE MODEL APPLICATION FOR CHARTER SCHOOLS DOES NOT ENCOMPASS STATEWIDE CHARTER SCHOOLS, WHICH ARE SUBMITTED DIRECTLY TO THE STATE BOARD OF EDUCATION. REGULATIONS DEFINING TERMS AND OTHERWISE ELABORATING UPON THE STATUTORY PROVISIONS ESTABLISHING STATEWIDE CHARTER SCHOOLS ARE STILL IN PROCESS, AND THE MODEL WILL BE APPROPRIATELY AMENDED ONCE THOSE REGULATIONS ARE OPERATIVE.

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Letter from State Board President

To the Applicant:

Since passage of the Charter Schools Act of 1992, California has become a leader in the national movement for accountable, autonomous public schools. Charter schools are now a viable educational alternative for many students statewide, and some of these charters are among the State's top academic performers.

The California State Board of Education has worked assiduously with the Governor and the State Legislature to strengthen quality and academic accountability in the charter sector. With this Model Application for Charter Schools, we are taking another important step. Our objective is to provide a template through which charter petitioners present their ideas in a systematic, comprehensive way that reflects the requirements of statute and regulation. Our vision is that this application would be the charter petition that a charter authorizer would approve or deny.

If approved, we would envision a charter application (petition) being supplemented, as necessary, by memoranda of understanding (or comparable documents) developed cooperatively by the petitioners and representatives of the charter authorizer. We would also anticipate that reasonable provisions would be made for minor changes in the petition – that are often necessary as a charter is put into actual operation – without such changes being separately approved by the charter authorizer. If denied (and if an appeal is possible), we would envision the same application (petition) being the document considered by the charter authorizer at the next level (modified only as technically necessary to reflect the different charter authorizer). With the degree of structure provided in this package, we believe that charter applications can become the type of focused, meaningful documents intended in state law, not documents that either lack essential detail or include unnecessary verbiage.

It is important to bear in mind that the Model Application for Charter Schools is not a mandate. Therefore, prospective charter petitioners are reminded to contact the charter authorizer to which they plan to submit an application for information about any specific requirements the authorizer may have adopted.

The Model Application for Charter Schools is offered, as stated above, with the intent of strengthening the processes of charter development and consideration. Where, in the sections that follow, "evaluation criteria" are included, they are exemplary, offered as suggestions to help ensure rigor and consistency statewide.

There are three routes to school chartering in California.

1. School district governing board. Most typically, a charter petition is submitted to a local school district governing board for the operation of a single school. If denied, the local governing board's decision may be appealed to the county board of education (first level) and, if also denied by the county board, to the State Board of Education (second level).

2. County board of education. Two types of charter petitions may be submitted directly to a county board of education. One type of petition is for a charter school to serve pupils for whom the county office of education would otherwise be responsible. If denied, a county board's decision on a petition to establish this type of school may be appealed to the State Board of Education. The second type of petition is for a charter school intended to serve on a countywide basis a population of students that cannot be served as well through a petition presented to a school district. If denied, a county board's decision on a petition to establish this type of school may not be appealed.

3. State Board of Education. A petition to establish a statewide charter school may be submitted directly to the State Board of Education. A statewide charter school must offer "instructional services of statewide benefit" that cannot be provided by a school operating in only one school district, or only in one county. A decision to deny such a petition may not be appealed. At this time, regulations defining terms and otherwise elaborating upon statutory provisions establishing statewide charter schools are in process, and the model application does not encompass them. The model application will be amended appropriately once the regulations are operative.

State law also provides for districtwide charters (sometimes referred to as "all-charter districts"), in which all of the schools in a district are converted to charter schools. Petitions to establish districtwide charters are approved jointly by the State Superintendent of Public Instruction and the State Board of Education. They are treated differently from petitions to establish individual charter schools in that they are reviewed directly (in the first instance) by staff of the California Department of Education. Only a few districtwide charters have been proposed and approved. A principal complication with respect to districtwide charters is that they must comply with a provision of law that no student can be compelled to attend a charter school. Therefore, districtwide charters are only practical where district boundaries (and the capacity of neighboring districts to accept additional students) are such that students desiring non-charter schools can be reasonably accommodated. For more information about becoming a districtwide charter, please contact the Charter Schools Division of the California Department of Education.

In order to promote thoughtful consideration of charter petitions, we recommend that original applications be submitted no later than September 1 of the year prior to a school's proposed opening. This will provide ample time for all types of petitions to be considered, for a complete round of appeals to be completed (if necessary), for any supplemental memoranda of understanding (or like documents) to be created (if necessary), and for charter operators to prepare for a successful launch.

Nothing is more important in creating high quality charter schools than an application and approval process that asks the right questions, enlists talented and experienced reviewers, and identifies applicants strong enough to surmount the rigors of opening and running a new school. The State Board of Education hopes that this Model Application for Charter Schools will give

potential applicants a clear picture of what is expected of them, and will provide charter authorizers with plentiful information about the capacities of aspiring charter operators.

Together with the parents (guardians), teachers, and entrepreneurs who will petition to operate charter schools in the coming years, the State Board of Education looks forward to creating a diverse group of new schools united by common bonds of quality and accountability.

Reed Hastings, President
California State Board of Education

Key Questions and Answers

What is a "charter school"?

A charter school is a public school and may provide instruction in any of grades kindergarten through 12. A charter school is usually created or organized by a group of teachers, parents and community leaders or a community-based organization, and is usually authorized by an existing local public school board or county board of education. Specific goals and operating procedures for the charter school are detailed in an agreement (or "charter") between the authorizing board and charter organizers.

What is the purpose of a "charter school"?

The purpose of a charter school is to: (1) improve pupil learning; (2) increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils identified as academically low achieving; (3) encourage the use of different and innovative teaching methods; (4) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; (5) provide parents and students with expanded educational opportunities within the public school system without the constraints of traditional rules and structure; (6) provide schools a way to shift from a rule-based to a performance-based system of accountability; and (7) provide competition within the public school system to stimulate improvements in all public schools. *[Ref. Education Code §47601]*

Who is eligible to write a charter?

Anyone may write a charter. However, for new charter schools (not conversions of existing public schools), charter developers must obtain the signatures of either 50 percent of the teachers meaningfully interested in teaching at the school, or 50 percent of the parents of pupils expected to enroll at the school. For conversion schools, signatures of 50 percent of the teachers at the school to be converted are required. The petition must contain a prominent statement that a signature means that the person signing is meaningfully interested in teaching in, or in having their child attend the school. The proposed charter must be attached to the petition. *[Ref. Education Code §47605(a)]*

What are the restrictions on the establishment of a charter school?

There are a few restrictions on the establishment of a charter school. With a few exceptions, a new charter school may only be located in the district that approves it. The law expressly prohibits the conversion of private schools to public charter schools. A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A charter school may not discriminate against any pupil and may not charge tuition. In addition, the school's charter must include a description of the school's means for achieving a racial and ethnic balance among its pupils that is reflective of the general population residing in the district. Pupils may not be required to attend a charter school, nor may teachers be compelled to teach

there. *[Ref. Education Code §§47602(b), 47605(a), (b), (d), (e), and (f)]*

Can a private school convert to a charter school?

No. The law expressly prohibits private schools from converting to charter schools. *[Ref. Education Code §47602(b)]*

Is there a "cap" on the number of charter schools?

Yes. The cap is currently set at 750 (for the 2003-04 fiscal year), and will increase by 100 each July 1. During the 2003-04 school year, it is anticipated that there will be approximately 485 charter schools operating in California. *[Ref. Education Code §47602]*

Who may approve a charter school petition?

Under California law, it is the local school district governing board that serves as the primary chartering authority. With a few exceptions, a school district may only approve a new charter that will operate within the district boundaries. Also, a district may not approve a new charter school that will serve grade levels not served by the district unless the charter will serve all grades offered by the district.

A petitioner may seek approval of a charter from a county board of education, if the pupils to be served are pupils that would normally be provided direct education and related services by the county office of education, the petition has been previously denied by a local school district governing board within the county, or if the charter provides county-wide services that cannot be provided by a district-approved charter school.

Petitioners may request the State Board of Education to review a charter petition if the petition has been previously denied by a local school district governing board and a county board of education, or if the charter school will provide services of a statewide benefit that cannot be met through a district-approved or county-approved charter. *[Ref. Education Code §47605(a)(6), (b) and (j), 46705.6, and 47605.8]*

How should special education and related services be coordinated when there are multiple sites of a single charter in varying locales?

The number of sites or locales of a charter school is irrelevant to the question of responsibility for provision of special education and related services. The California Department of Education holds the charter-authorizing local education agency (LEA) responsible for ensuring the provision of special education and related services to eligible students pursuant to each student's individualized education program, and for ensuring that the charter school (including all satellite locations) complies with special education law. How these services are provided, and how they are funded, may be (but are not required to be) negotiated locally between the charter school and the charter-authorizing LEA. For example, services may be provided via contract with another district, or a non-public school or agency. In cases where the charter school is operating multiple sites located outside the geographic area of the charter-authorizing LEA, contracts with local

districts and/or other service providers may be a particularly useful tool in facilitating the provision of appropriate services in remote locations. *[Reference: Education Code §47646(a)]*

What is the timeline for developing and approving a charter petition?

Charter developers may begin developing their charter petition at any time. The law specifies that a local governing board must hold a public hearing to consider the proposed charter within 30 days from receipt of the completed petition, and, within 60 days from receipt of the petition, must either grant or deny the charter. This timeline may be extended by 30 days if both parties agree to the extension. Once approved by a local board, a charter petition must be forwarded to the State Board of Education for assignment of a charter number. A charter school in its first year of operation must commence instruction between July 1 and September 30. *[Ref. Education Code §47605(b)]*

Additional time is required in the event a charter is denied by a school district governing board and subsequently appealed to a county board of education and, perhaps, to the State Board of Education. In order to provide adequate time for a complete cycle of appeals to be conducted (if necessary), this Model Application for Charter Schools recommends that a charter application (petition) be submitted by September 1 of the year preceding the year in which the petitioners seek to have school in operation.

For how long is a charter granted, and is it renewable?

A charter may be initially granted for up to five years. Charters may be renewed for an unspecified number of five-year periods. Charters may not be renewed for less than five-year periods. *[Ref. Education Code §47607]*

How should we go about requesting a number from the State Board of Education (SBE)?

The SBE must assign a charter number to each charter that has been approved, and may only assign numbers to charters that have been approved. The SBE's numbering of approved charters ensures that the maximum number of charters operating in the state does not at any time exceed the statutory cap. An SBE number is also necessary before a charter school can be set up in the California Department of Education (CDE) systems of funding and identification. As part of the numbering process, the CDE reviews each charter for the SBE. CDE staff may offer comments to district- or county-charter authorizers based on the review and may inform the SBE of any concerns noted. Specific information about obtaining an SBE charter number is posted on the CDE Web site at <*http://www.cde.ca.gov/charter/lists/sbenumcharpet.htm*>.

What happens after the State Board of Education (SBE) numbers my school?

After the SBE acts to number a charter, the California Department of Education (CDE) will send a letter notifying the school of the action, and providing information on next steps, including forms for the charter school to complete. The school should request a county-district-school

(CDS) code from the CDE using the form provided. Additional information about requesting a CDS code is available on the CDE Web site at <*http://www.cde.ca.gov/cdscodes/*>. The school will also need to complete a charter school funding survey by May 31 prior to the school's opening. The funding survey is mailed to each charter school in the spring. The most recent funding survey is available on the CDE Web site at:

<*http://www.cde.ca.gov/charter/funding/*>

If the charter school is going to be direct-funded, the school must also submit the provided payee record data form (std. 204).

The CDS code request, the payee data record form and the annual funding survey must be completed and returned to the CDE before any operational funding will be provided to the charter school.

Answers to other "Frequently Asked Questions" about charter schools, including the issues of Start-up, Governance and Charter Oversight, Special Education, Facilities, and Funding and Apportionment, can be found at
<*http://www.cde.ca.gov/charter/qanda/*>

Application Format

The application guidelines below allow charter petitioners to address each of the factors defined by law upon which a charter proposal may be evaluated. While the guidelines generally follow the sequence found in the Charter Schools Act, for the sake of clarity some factors are grouped into broader categories such as "Human Resources." Following the format provided in these guidelines enables the objective review of petitions. Petitioners are encouraged to:

- Include a Table of Contents that lists page numbers for each section of the application
- Follow the same format and order as outlined in these guidelines
- Include the proposed charter and signatures
- Limit the overall length of the application to approximately 30 pages, with approximately additional 30 pages of Attachments (See page X for more detail on possible attachments.)
- Submit at least 6 copies of the application to the charter authorizer, including one copy that can be used as a master to duplicate more copies if necessary
- Include tabs to separate each of the sections of the application, except in the duplicating master

The narrative of the application should be limited to a discussion of each of the evaluation criteria presented in the guidelines. Additional information that may support the information presented in the narrative and help the charter authorizer to assess the proposed charter school should be included in the Attachments. Examples of Attachments include curriculum samples; content and performance standards (to the extent different from state content and performance standards); resumes; letters of support; program descriptions; architectural drawings/floor plans of potential school sites; financial statements; management agreements; bylaws; Articles of Incorporation; drafts of Parent, Student, or Staff handbooks; samples of student work (if the petition is to establish a new charter school than is similar to an existing charter school); and organizational charts.

The purpose of the application is to ensure that charter petitioners provide all necessary detail, but avoid unnecessary elaboration. It is anticipated that, if approved, a charter (as reflected in an application) will be supplemented with memoranda of understanding (or comparable documents), as needed. The application will guide charter petitioners in creating the type of focused, meaningful documents intended in state law.

The application guidelines make reference periodically to provisions of the California Code of Regulations, Title 5. For the most part, these references relate to matters specific to charter petitions being heard on appeal by the State Board of Education. While the criteria prescribed in these regulations are not technically required for approval at the district or county level, it is suggested that petitioners apply them, along with any local criteria, to ensure a comprehensive

charter document. Furthermore, as appeals are part of the complete process of consideration, these regulations are included herein.

Application Guidelines

Charter authorizers are fundamentally concerned that charter schools be held responsible for meeting the following expectations:

(1) *provision of a sound educational program for all of the school's students;*
(2) *faithful implementation of the provisions of the charter;*
(3) *compliance with all requirements of applicable federal, state, and local laws; and*
(4) *prudent operation of the charter school in all respects, including governance, educational program, faculty and staff, facilities, business management and support services, and relationships with students and families.*

NARRATIVE: RESPONSES TO ITEMS I THROUGH IX ON THE FOLLOWING PAGES SHOULD BE LIMITED TO APPROXIMATELY 30 PAGES TOTAL.

I. FOUNDING GROUP

Describe the founding group for the proposed charter school, providing evidence that the applicant(s) possess(es) the necessary background in the following areas critical to the charter school's success and/or that the founders have a plan to secure the services of individuals who have the necessary background in these areas:

- Curriculum, instruction and assessment;
- Finance, *facilities*, and business management; and
- Organization, governance, and administration

[Ref. Criteria for Review and Approval of Charter School Petitions; California Code of Regulations, Title 5, §11967.5.1(c)(4)]

Explain the circumstances that brought the founding group together to form this charter school. Include resumes of the individuals and names of any organizations or agencies that are partners in planning and establishing the school, along with a description of the role they have played and any resources contributed by them. Note whether any member of the founding group is a proposed board member, school leader, or other "key" staff of the charter school. If the petitioner is an organization that manages a network of charter schools, provide a statement of the background and capacities of the organization in the above-mentioned areas.

Evaluation Criteria:
Substantial evidence is provided that the founding group:

- *Demonstrates the capacity to establish and sustain an excellent school;*
- *Will manage public funds effectively and responsibly, or will secure necessary staff expertise for this purpose; and*
- *Includes members who possess skill and experience in areas such as education, management, finance, and law, and/or will secure necessary staff expertise in these areas.*

II. EDUCATIONAL PHILOSOPHY AND PROGRAM

MISSION – Provide a clear and concise mission statement that defines the purposes and nature of the charter school. *Describe here, as well as within other applicable elements of the application, how the charter will improve learning for the targeted population and increase learning opportunities for its students.* ***This statement should be written for understanding by the charter authorizer and the general public.*** [*Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(B)*

EDUCATIONAL PHILOSOPHY – Describe the educational program of the proposed charter school:

- Identify those whom the school is attempting to educate;
- Describe what it means to be an "educated person" in the 21st century; and
- Provide the applicant's view of how learning best occurs.

The goals identified in the educational program must include the objective of enabling students to become self-motivated, competent, and lifelong learners. *[Ref. California Education Code §47605 (b)(5)(A)(i)]*

HIGH SCHOOL PROGRAMS **–** If the proposed school will serve high school students (any of grades nine through twelve), the petition must describe how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. *[Ref. California Education Code §47605(b)(5)(A)(ii)]*

STUDENTS TO BE SERVED – Identify the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of students, and specific educational interests, backgrounds, or challenges. *[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(A)]* As necessary, confirm that grade levels to be served by the charter school will coincide with the charter authorizer's grade levels. *[Ref. Education Code §47606(a)(6).]*

CURRICULUM AND INSTRUCTIONAL DESIGN **–** Include a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population. Describe the basic learning environment (e.g., site-based matriculation, independent study, technology-based education). Discuss how the chosen instructional approach will enable the school's students to achieve the objectives specified in the charter and master the academic content standards in core curriculum areas as adopted by the State Board of Education pursuant to Education Code §60605. The discussion of instructional design should include, but not be limited to, curriculum, teaching methods, materials, and technology. [*Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(C-E)]*

At a minimum, applicants should provide a full curriculum for one course or grade level as an attachment. A full curriculum should be submitted to the charter authorizer prior to the opening of school.

PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW ACHIEVING[1] **–** Indicate how the charter school will identify and respond to the needs of students who are not achieving at or above expected levels. [*Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(F)]*

PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING – Indicate how the charter school will identify and respond to the needs of students who are academically high achieving. *[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(G)]*

PLAN FOR ENGLISH LEARNERS – Indicate how the charter school will identify and respond to the needs of English learners. *[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(G)]*

PLAN FOR SPECIAL EDUCATION – Indicate how the charter school will identify and respond to the needs of students with disabilities. Fully describe the charter school's special education plan, including, but not limited to, the following:

- The means by which the charter school will comply with the provisions of Education Code §47641;
- The process to be used to identify students who qualify for special education programs and services;
- How the school will provide or access special education programs and services;
- The school's understanding of its legal responsibilities for special education students; and
- How the school intends to meet those obligations.

[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(G-H)]

Evaluation Criteria:
Substantial evidence is provided of an educational philosophy and program that:

- *Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of students, and specific educational interests, backgrounds, or challenges;*
- *Specifies a concise school mission that expresses clear priorities; includes specific, realistic objectives; and conveys the applicant's sense of an "educated person";*
- *Demonstrates alignment between mission and programs;*
- *Shows evidence that the school's approach will lead to improved student performance;*
- *Is founded on an understanding of effective, research-based educational practices or, if innovative, presents a reasonable likelihood for success.*

[1] *Preference shall be given to petitions that demonstrate the capability to provide comprehensive learning experiences to (students) identified by the petitioner/s as academically low-achieving pursuant to the standards established by the State Department of Education under Section 54032. [Ref. California Education Code §47605(h)]*

III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA

MEASURABLE STUDENT OUTCOMES **–** Describe the clearly measurable student outcomes that will be used by the charter school. *"Student outcomes,"* for the purposes of this part, means the extent to which all students enrolled in the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. *[Ref. California Education Code § 47605 (b)(5)(B)]*

ACADEMIC PERFORMANCE INDEX **–** Where applicable, include a plan for attaining the school's Academic Performance Index growth target. [*Ref. Criteria for Review; CCR-5, § 11967.5.1(f)(2)(B)].*

METHOD(S) OF ASSESSMENT **–** Describe the proposed method(s) by which student progress in meeting the desired student outcomes will be measured. [*Ref. California Education Code §47605(b)(5)(C)]* The school's plan should describe a variety of assessment tools that are appropriate to the grade level, subject matter, skills, knowledge, and/or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress. Assessments should include annual results from the Statewide Testing and Reporting (STAR) program and any other statewide standards or student assessments applicable to students in non-charter public schools, including, but not limited to, the California High School Exit Examination, the California English Language Development Test, and the physical performance test**.** [*Ref. Criteria for Review; CCR-5, §11967.5.1(f)(2)(A), §11967.5.1(f)(3)(A-B) and California Education Code §47605(c)(1)].*

USE AND REPORTING OF DATA – Outline the plan for collecting, analyzing, and reporting data on student achievement to school staff, parents, and guardians. Also describe the plan for utilizing the data continuously to monitor and improve the charter school's educational program. *[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(3)(C) and California Education Code §47605(c)(2)]*

Evaluation Criteria:
Substantial evidence is provided of an assessment approach that:

- *Specifies skills, knowledge, and attitudes that reflect the school's clearly measurable educational objectives.*
- *Can be assessed by objective means that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress.*
- *Meets the requirements of the assessment system prescribed by law for all California public schools;*
- *Features a clear and externally credible design that incorporates multiple measures of student outcomes, reported both in terms of absolute scores and year-to-year gains/losses;*
- *Will facilitate continuous improvement in the educational program.*

IV. GOVERNANCE STRUCTURE

Describe the planned governance structure of the school, including the process to be followed by the school to ensure the involvement of parents and guardians in supporting the school's effort on behalf of the school's students. *[Ref. California Education Code §47605(b)(5)(D)] and Ref. Criteria for Review; CCR-5, §11967.5.1(f)(4)]*

Specifically illustrate how the school will be organized – and how that structure is designed to support student success. Describe respective roles of the governing body and administration, the domains for which each will be responsible, and how their relationship will be managed. In addition, provide details of how the charter school's board will be developed, in terms of supplementing necessary skills and providing training in effective board practices.

Describe how the design of the governance structure reflects a seriousness of purpose necessary to ensure that: (1) the charter school will become and remain a viable enterprise; (2) there will be active and effective representation of interested parties, including, but not limited to parents and/or guardians; and (3) the educational program will be successful. If incorporated, evidence of the organization's incorporation should be provided as an Attachment, as necessary. [*Ref. Criteria for Review; CCR-5, §11967.5.1(f)(4)]*

Evaluation Criteria:
Substantial evidence is provided of an effective governance structure and proposed practices that will:

- *Provide a strong vision and continuity of leadership;*
- *Include board members who are committed to the mission of the school and cognizant of their responsibilities;*
- *Demonstrate a track record of success in the private or public sector among the proposed members of the governing body;*
- *Clearly delineate the roles and responsibilities of the governing body and the staff.*

V. HUMAN RESOURCES

QUALIFICATIONS OF SCHOOL EMPLOYEES **–** Describe the qualifications to be met by individuals to be employed by the school. [*Ref. California Education Code §47605(b)(5)(E)]* This description should include standards that will be used in hiring teachers, administrators, and other school staff, including, but not limited to the general qualifications for the various categories of employees the school anticipates hiring and the desired professional backgrounds, depth of experience, and other qualities to be sought in their selection. Show how those qualities will help the school implement its vision, and how they will satisfy the requirements for "highly qualified teachers" under the No Child Left Behind Act. The qualifications should be sufficient to ensure the health and safety of the school's faculty, staff, and students. Identify positions that will be regarded as "key" in each category and specify the additional qualifications expected of

individuals assigned to those positions. Include an assurance that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials, as necessary. *[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(5)]*

COMPENSATION AND BENEFITS *– Provide a brief explanation of how the school will structure employee compensation to attract candidates with the necessary skills and experience.* Describe the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, and/or federal social security; or how the school will create a system of its own to accommodate employees' retirement funding. Include the specific positions to be covered under each system and the staff designated to ensure that appropriate arrangements for that coverage are made. [*Ref. California Education Code §47605(b)(5)(K) and Criteria for Review; CCR-5, §11967.5.1(f)(11)]*

EMPLOYEE REPRESENTATION – Make a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employee Relations Act (EERA). *[Ref. Education Code §47605(b)(5)(O).]* Provide information regarding the employee's status in regard to the EERA, and a description of the charter school's understanding of its responsibilities in the event employees are represented under the EERA.

RIGHTS OF SCHOOL DISTRICT EMPLOYEES **–** Provide, as applicable, a description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. [*Ref. California Education Code §47605(b)(5)(M) and Criteria for Review; CCR-5, §11967.5.1(f)(13)]*

HEALTH AND SAFETY **–** Describe the procedures that the school will follow to ensure the health and safety of students and staff, including how the school will provide for proper immunization, as well as vision, hearing, and scoliosis screening for students; and the steps the school will take to ensure that criminal background checks and proof of an examination for tuberculosis are collected from all school personnel. *[Ref. California Education Code §47605(b)(5)(F) and Criteria for Review; CCR-5, §11967.5.1(f)(6)]*

DISPUTE RESOLUTION – Provide a description of the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Describe how the costs of such a dispute resolution process, if needed, will be funded. [*Ref. California Code §47605(b)(5)(N) and Criteria for Review; CCR-5, §11967.5.1(f)(14)]*

Evaluation Criteria
Substantial evidence is provided of:
- *A plan for the recruitment and development of staff that is manageable and consistent with the school's mission and educational program, as well as federal legislation;*
- *A clear understanding of staffing needs and requirements as they relate to the educational program and student population;*
- *Working conditions and compensation packages that will attract and retain high quality staff;*
- *A dispute resolution process that provides fair and prompt action, respects the due process rights of all parties, and operates in the spirit of the school's mission.*

VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/ EXPULSION POLICIES

STUDENT ADMISSION POLICIES AND PROCEDURES **–** Describe the policies and procedures the school will develop and implement for the admission and enrollment of students, including any proposed timetable or calendar and the school's implementation of the random lottery process as required by law. Include assurance that the charter school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not charge tuition nor discriminate against any student based on ethnicity, national origin, gender, or disability. [*Ref. California Education Code §47605(b)(5)(H), §47605(d) and Criteria for Review; CCR-5, §11967.5.1(f)(8)]*

NON-DISCRIMINATION **–** Describe how the charter school will ensure a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.*[Ref. California Education Code §47605(b)(5)(G) and Criteria for Review; CCR-5, §11967.5.1(f)(7)]*

PUBLIC SCHOOL ATTENDANCE ALTERNATIVES **–** As applicable, describe the public school attendance alternatives for students in the district who choose not to attend the charter school. At a minimum, specify that the parent or guardian of each student enrolled in the charter school will be informed that the students have no right to admission in a particular school of any local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency. [*Ref. California Education Code §47605(b)(5)(L) and Criteria for Review; CCR-5, §11967.5.1(f)(12)]*

SUSPENSION/EXPULSION PROCEDURES **–** Describe the procedures by which students can be suspended or expelled. *[Ref. California Education Code §47605(b)(5)(J)]* Include a preliminary list of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended or expelled, respectively. Identify the procedure by which students can be suspended or expelled and the process by which parents/guardians and students will be informed about the reasons for any such actions and their due process rights. Explain how the charter school will take into account the rights of students with disabilities in regard to suspension and expulsion. Outline how policies and procedures regarding suspension and expulsion will be periodically reviewed and, when necessary, modified. *[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(10)]*

Evaluation Criteria
Substantial evidence is provided of:

- *A demonstration that admission policies at the proposed school will comply with applicable law;*
- *Assurance that the school has a viable plan for recruiting a student population reflective of the population in the surrounding community;*
- *A continuing plan for broad outreach and recruitment, including families traditionally less informed about education options;*
- *A student admissions plan that ensures adequate enrollment and full accessibility of the school to all eligible students;*
- *Evidence that petitioners have reviewed the offenses for which students may or must be suspended or expelled in non-charter public schools;*
- *Evidence that the proposed suspension/expulsion procedures provide adequately for the safety of students, staff, and visitors to the school; provide adequate due process for students; and serve the best interests of the school's students and their parents or guardians.*

VII. FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY

BUDGETS – Provide a proposed first-year operational budget, including startup costs, that includes:

- Reasonable estimates of all anticipated revenues and expenditures necessary to operate the school – including special education; and

- Budget notes that clearly describe assumptions or revenue estimates, including, but not limited to the basis for average daily attendance estimates and staffing levels.

Also provide cash flow and financial projections for the first three years of operation; and plans for establishment of a reserve. It is recommended that charter schools maintain a reserve equivalent to that required by law for a school district of comparable size. *[Ref. California Education Code §47605(g) and Criteria for Review; CCR-5, §11967.5.1(c)(3)(B)]*

FINANCIAL REPORTING – Describe the systems and processes by which the school will keep track of financial data and compile information in the prescribed format needed for the annual statement of receipts and expenditures for the prior fiscal year that is due to the charter authorizer by September 15 of each year.

INSURANCE **–** Agree that the school will acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance, and provide evidence that the cost and availability of such insurance has been researched by the petitioners. *[Ref. Criteria for Review; CCR-5, §11967.5.1(c)(3)(C)]*

ADMINISTRATIVE SERVICES – Describe the structure for providing business/administrative

services (including, at a minimum, personnel transactions, accounting, and payroll) that reflects an understanding of school business practices and expertise needed to carry out administrative services or a reasonable plan and timeline to develop and assemble such practices and expertise. For any contract services planned to serve the school, describe the criteria and procedures for the selection of contractors. *[Ref. Criteria for the Review; CCR-5, §11967.5.1(c)(3)(A)]*

FACILITIES – Describe the types and potential location of any facility/ies needed to operate the size and scope of educational program proposed in the charter. If (a) specific facility/ies has/have not been identified, provide evidence of the type and projected cost of the facility/ies that may be available in the location of the proposed charter school(s). Facilities plans must reflect reasonable costs for the acquisition or leasing of facilities to house the charter school. *[Ref. California Education Code §47605(g) and Criteria for Review; CCR-5, §11967.5.1(c)(3)(D)]*

TRANSPORTATION **–** Provide a description of the arrangements, if any, to be made for transportation of students, including expected level of need, proposed contracts, and adequate types and levels of insurance.

AUDITS **–** Describe the manner in which annual, independent financial audits, as required by law, will be completed by December 15 following the close of each fiscal year, and the anticipated timeline in which audit exceptions and deficiencies (if any) will be resolved to the satisfaction of the charter authorizer. *[Ref. California Education Code §47605(b)(5)(I) and (m) and Criteria for Review; CCR-5, §11967.5.1(f)(9)]* Additionally, describe who will be responsible for contracting and overseeing the independent audit, including a specification that the auditor will have experience in education finance. Outline, as applicable, the process for providing audit reports to the charter authorizer, county office of education (if not the charter authorizer), State Controller's Office, and California Department of Education. Though not required by law, it is recommended that the audit include a review of average daily attendance reported by the charter school. [*Ref. Criteria for Review §11967.5.1(f)(9)]*

CLOSURE PROTOCOL **–** Provide a detailed description of the procedures to be used in the case of a decision by the charter authorizer or State Board of Education to revoke the school's charter, a decision by the charter authorizer not to renew the charter, or a decision by the school voluntarily to close, including plans for a final audit of the school; disposition of net assets; communication of the closure to parents and staff; and maintenance and transfer of student records. *[Ref. California Education Code 47605(b)(5)(P)]*

Evaluation Criteria
Substantial evidence is provided of:

- *Sound budget planning that supports the educational mission and operational plans of the proposed school and makes the most of limited funds (i.e., demonstrates that public funds will be used effectively and responsibly);*
- *Realistic revenue and expenditure projections over the first three years of operation, including realistic projections relative to cash flow and buffers in case of shortfalls;*
- *An understanding of the timing of the receipts of various revenues and their relative relationship to timing of expenditures;*
- *Adequacy of financial management systems and procedures;*
- *A plausible plan for obtaining and financing adequate space in time for an orderly opening and operation of the school.*

SCHOOL MANAGEMENT

CONTRACTS **–** If the proposed charter school intends to enter into a contract with an education management organization (EMO), inclusion of the following is recommended:

- A description of the proposed contract including roles and responsibilities, performance evaluation measures, payment structure, conditions for renewal and termination, and investment disclosure;
- A draft of the proposed management contract;
- A recent corporate annual report and audited financial statements for the EMO;
- A description of the firm's roles and responsibilities for the financial management of the proposed charter school and the internal controls that will be in place to guide this relationship;
- A list of other schools managed by the school management company, including contact information; and
- A summary of the company's history and philosophy, past results of its school management efforts, and background on its corporate leaders.

Evaluation Criteria
Substantial evidence is provided of clear understanding and agreement concerning the respective rc and responsibilities of the governing board and any proposed management company, including a clearly defined performance-based relationship between the organization and the school's board.

VIII. IMPACT ON THE CHARTER AUTHORIZER

Provide information regarding the potential effects of the charter school on the charter authorizer and/or the school district in which it will be located, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects. *[Ref. California Education Code §47605(g)]*

Evaluation Criteria
Substantial evidence is provided that the applicant has made a thorough and conscientious attempt to examine the issues listed here through dialogue with the charter authorizer and/or school district officials.

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Remainder of page intentionally left blank--

ASSURANCES

This form is intended to be signed by a duly authorized representative of the applicant and submitted with the full application.

As the authorized representative of the applicant, I hereby certify that the information submitted in this application for a charter for _____ (name of school) to be located at _____ is true to the best of my knowledge and belief; I also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further I understand that if awarded a charter, the school:

1. Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code §60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. *[Ref. California Education Code §47605(c)(1)]*
2. Will/will not (**circle one**) be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Act (Chapter 10.7 (commencing with §3540) of Division 4 of Title 4 of Title 1 of the Government Code[2] *[Ref. California Education Code §47605(b)(5)(O)]*
3. Will be nonsectarian in its programs, admissions policies, employment practices, and all other operations. *[Ref. California Education Code §47605(d)(1)]*
4. Will not charge tuition. *[Ref. California Education Code §47605(d)(1)]*
5. Will admit all students who wish to attend the school, and who submit a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case each applicant will be given equal chance of admission through a random lottery process. *[Ref. California Education Code §47605(d)(2)(B)]*
6. Will not discriminate against any student on the basis of ethnic background, national origin, gender, or disability. *[Ref. California Education Code §47605(d)(1)]*
7. Will adhere to all provisions of federal law relating to students with disabilities, including the IDEA, Section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, that are applicable to it. .
8. Will meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. *[Ref. Criteria for Review, §11967.5.1(f)(5)]*
9. Will ensure that teachers in the school hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. *[Ref. California Education Code §47605(l)]*
10. Will at all times maintain all necessary and appropriate insurance coverage.
11. Will follow any and all other federal, state, and local laws and regulations that pertain to the applicant or the operation of the charter school.

_____

Authorized Representative's Signature

Date

[2] In the case of any petition to establish a charter school that is approved by the State Board of Education, the charter school must be deemed the exclusive public school employer.

SUBMISSION PACKAGE

Application:

In addition to the narrative in response to Sections I through XIII of the guidelines above, applicants should include the attachments listed below. Again, the application should not exceed approximately 30 pages (with approximately 30 additional pages of Attachments as may be necessary) and should be completed on 8-1/2" by 11" paper with readable font and reasonable margins. The total number of pages should be clearly referenced in the text and the table of contents. It is recommended that at least 6 copies be provided to the charter authorizer, including one that may be used as a master to duplicate more copies if necessary.

Attachments:

1. Necessary Signatures, i.e., signatures that comply with the provisions of Education Code §47605(a) or §47605.6(a), as applicable.
2. Completed Assurances page
3. Evidence of the organization's incorporation, if applicable
4. Sample curriculum
5. Letters of support from partner organizations (optional)
6. Organizational chart of school
7. Budget
8. Others of the applicant's choosing

Resources

California Department of Education, Charter Schools Web Page
<*www.cde.ca.gov/charter*> - includes information about charter schools in the state and contact information for the state Charter Schools Office.

California Charter Schools Association (CCSA)
<*www.ccsa.org*> - a charter school membership organization that provides advocacy, resources, and services to charter schools in California.

Charter Schools Development Center (CSDC)
<*www.csus.edu/ier/charter/center.html*> - provides experienced and expert technical assistance, training, and resources to California charter school developers, operators, charter-granting agencies, and policy makers. Offers downloadable sample documents, policy papers, and planning tools for charter school leaders.

U.S. Department of Education (Charter Schools website)
<*www.uschartershcools.org*> - serves as an overall information clearinghouse about charter schools, including federal efforts to support charter schools

Center for Education Reform (CER)
<*www.edreform.com*> - provides information about the status of charter schools in each state, as well as legislation and charter news from around the country.

Charter Friends National Network (CFNN)
<*www.charterfriends.org*> - a network of state charter school support organizations, CFNN provides resources on facilities financing, accountability, special education, working with EMOs and school designs, and other issues.

California Charter School Law and Regulations

The California Charter School Law, ***California Education Code Sections 47600 – 47616.5, "Charter Schools Act of 1992," as amended*** **can be found at** <***http://www.cde.ca.gov/charter/regs/law***>.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 26

NOVEMBER 2003 AGENDA

SUBJECT	**X**	**ACTION**
Assembly Bill 1994 Programmatic Implementation: Approve Commencement of the Rulemaking Process for Amendments to Title 5		**INFORMATION**
		PUBLIC HEARING

Recommendation:

California Department of Education staff recommend that the State Board of Education: (1) approve the proposed regulations pertaining to implementation of the programmatic provisions of Assembly Bill (AB) 1994, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications as may be identified and incorporated 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 to conduct a public hearing on the proposed regulations pursuant to California Code of Regulations, Title 5, Section 18460.

Summary of Previous State Board of Education Discussion and Action:

The SBE adopted permanent regulations implementing to the financial reporting requirements established by AB 1994. Those regulations are currently with the Office of Administrative Law (OAL) awaiting final approval.

The SBE received an information memorandum in August 2003 with an earlier draft of these AB 1994 programmatic regulations, and received this final version in an October 2003 information memorandum.

Summary of Key Issue(s):

Assembly Bill 1994 (Chapter 1058, Statutes of 2002) contained a number of significant programmatic provisions affecting charter schools, and the bill requires the State Board to adopt regulations to implement certain aspects of the statutory changes. The Advisory Commission on Charter Schools (ACCS) discussed various versions of AB 1994 programmatic implementation regulations on several occasions, both in concept and with regard to certain specific elements. During August 2003, State Board members received an information memorandum with a version of the permanent regulations that the ACCS had tentatively endorsed in July. However, at its September 2003 meeting, the ACCS considered the regulations further, and proposed several significant changes. The attached text, which was also provided as an information memorandum in October 2003, reflects the ACCS-recommended changes.

Summary of Key Issue(s):

A proposed regulation regarding funding for countywide charter schools has been separated from these proposed regulations in an effort to get the funding regulation adopted by the First Principal Apportionment in February 2004. There is concern that some of the provisions of these AB 1994 programmatic regulations may generate controversy and take longer to get through the adoption process. The countywide charter school funding regulation is also before the SBE this month to commence the rulemaking process.

The proposed regulatory package is currently undergoing fiscal review by CDE staff. There may be technical or nonsubstantive changes recommended as a result of that review, which would need to be incorporated into the regulations prior to the initial rulemaking package being submitted to OAL.

Fiscal Analysis (as appropriate)

The statutory changes enacted by AB 1994 will result in increased costs associated with the increased workload to the CDE and SBE to review, approve, and oversee a greater number of charter schools. There is no anticipated additional costs associated with these proposed regulations, although CDE staff have not completed the financial impact statement. That statement will be provided in a last minute memorandum.

Attachment(s)

Attachment 1: Notice of Proposed Rulemaking (Pages 1-6)
Attachment 2: Initial Statement of Reasons (Pages 1-7)
Attachment 3: Proposed Regulations (Pages 1-13)

STATE OF CALIFORNIA GRAY DAVIS,
Governor

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street; P.O. Box 944272
Sacramento, CA 94244-2720

TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

State Board Review of Multi-site Charters of Statewide Interest
[Notice published _____, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at _____ on _____, ____, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at _____ on _____, ____. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720

Telephone : (916) 319-0641
FAX: (916) 319-0155
E-mail: *dstrain@cde.ca.gov*

AUTHORITY AND REFERENCE

Authority for these regulations is found in *Education Code* Section 33031. *Education Code* Section 33031 is the State Board's general authority to adopt rules and regulations for the government of the day and evening schools of the state that are not inconsistent with the requirement of statute.

Additional authority is provided in Education Code Section 47605.8(a) which requires the State Board to adopt regulations to implement Section 47605.8.

References are made to *Education Code* sections 47605, 47605.6, 47605.8, 47613, 47632, 47641, and 47651. These statutes govern the establishment, approval, oversight, and funding of charter schools.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations include five sections; three sections are amended and two new sections are added. These regulations are necessary to implement Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002), which amended and added provisions to the Charter School Act of 1992.

The first section amends Title 5 of the California Code of Regulations (5 CCR) Section 11967 to conform to an amendment of *Education Code* Section 47605(j), to require a denied charter to appeal to the county board of education prior to appealing to the State Board. Previously, a charter that was denied by a school district could appeal to either the county board or the State Board. The amendments to 5CCR Section 11967 are largely technical and conforming to reflect the change in the sequence of a charter appeals.

The second section adds 5 CCR Section 11967.6, which is necessary pursuant to *Education Code* Section 47605.8(a). *Education Code* Section 47605.8 creates new responsibilities for the State Board to review and approve charter schools of statewide interest that propose to operate on multiple sites. The law requires the State Board to adopt regulations to implement Section 47605.8.

Education Code Section 47605.8 states:

(a) A petition for the operation of a state charter school may be submitted directly to the State Board of Education, and the board shall have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state. The State Board

of Education shall adopt regulations, pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) for the implementation of this section. Any regulations adopted pursuant to this section shall ensure that a charter school approved pursuant to this section meets all requirements otherwise imposed on charter schools pursuant to this part, except that a charter school approved pursuant to this section shall not be subject to the geographic and site limitations otherwise imposed on charter schools.

(b) The State Board of Education may not approve a petition for the operation of a state charter school under this section unless the State Board of Education finds that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county. The finding of the board in this regard shall be made part of the public record of the board's proceedings and shall precede the approval of the charter.

(c) The State Board of Education may, as a condition of charter petition approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report on, the operations of the charter school. The State Board of Education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the State Board of Education.

(d) The State Board of Education shall not be required to approve a petition for the operation of a statewide charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6.

The State Board previously adopted regulations describing the criteria and process for State Board review and approval of charters that have been denied by local entities. They are included in 5 CCR sections 11967 through 11967.5.1. These existing regulations are used as a reference and basis for the proposed regulations implementing *Education Code* Section 47605.8. However, *Education Code* Section 47605.8 creates a new type of State Board-approved charter school that requires additional considerations that are not addressed in existing regulations.

The third section adds 5 CCR Section 11967.7 to provide technical clarity regarding the funding calculation and process for providing operational funding to statewide charter schools and to specify that for purposes of local tax transfers, a statewide charter does not have a “sponsoring local education agency.”

The fourth section amends 5 CCR Section 11968 related to the number of charter schools authorized to operate in the state. These amendments are necessary to align the charter numbering process more closely with the language in *Education Code* Section 47602 as amended by AB 1994, and the amendments to Section 11969 that are proposed to 5 CCR Section 11969
described below.

The last section amends 5 CCR Section 11969 regarding the numbering of charter petitions by

the State Board. This amendment is necessary to implement an amendment to *Education Code* Section 47602, which was also enacted through AB 1994. This section now requires the State Board, in its charter-numbering process, to consider providing separate charter numbers to each site of a multi-site charter that offers differing educational programs.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed amendments to the regulations do not have an affect on small businesses because they provide a process for a new type of charter school to obtain approval from the State Board and therefore, have no effect on existing charter schools or small businesses. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine

that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Eileen Cubanski, Administrator
California Department of Education
Charter School Division
1430 N Street, Room 5401
Sacramento, CA 95814
E-mail: *ecubansk@cde.ca.gov*
Telephone: (916) 322-6029
FAX: (916) 322-1465

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15

days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's Web site at <*http://www.cde.ca.gov/regulations*>.

INITIAL STATEMENT OF REASONS

Section 11967. Appeals on Charter Petitions That Have Been Denied (Amendment)
and
Section 11967.6. Statewide Charter Schools
and
Section 11967.7. Funding for Statewide Charter Schools
and
Section 11968. Maximum Number of Charter Schools (Amendment)
and
Section 11969. Numbering of Charter School Petitions (Amendment)

SPECIFIC PURPOSE OF THE REGULATIONS

The proposed regulations will clarify existing law with regard to the State Board of Education's process for reviewing charter petitions that have been denied by a county office of education after denial by a local school district, establish a process and criteria for State Board review and approval of charter schools of statewide interest that will operate on multiple sites, clarify the funding process to be used for statewide and countywide charter schools, and clarify the State Board's process for numbering charter schools that will operate on multiple sites.

NECESSITY/RATIONALE

Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002) amended the Charter School Act of 1992, and added *Education Code* Section 47605.8 that creates new responsibilities for the State Board to review and approve charter schools of statewide interest that propose to operate on multiple sites. *Education Code* Section 47605.8(a) requires the SBE to adopt regulations to implement this section. AB 1994 also amended *Education Code* Section 47602 related to State Board numbering of charter petitions, and *Education Code* Section 47605(j) related to appeals of charter petitions that have been denied. These amendments of law require conforming and technical amendments to existing regulations.

SECTION 11967

These amendments are necessary because, pursuant to AB 1994, *Education Code* Section 47065(j), now requires a charter petition that has been denied by a district to submit an appeal to the county board of education. Only if the county board denies the petition may the petitioners submit the appeal to the State Board. Prior to AB 1994, a petitioner for a charter denied by a district could submit an appeal directly to either the county board of education or the State Board of Education.

Subsection (a). The proposed amendment to subsection (a) deletes "or the State Board of Education" from the description of the first step in the appeal process. This is a conforming

change to remove the option for a charter school that has been denied by a school district to submit an appeal directly to the State Board of Education. This is required because an amendment to *Education Code* Section 47065(j) now requires a charter petition to first submit an appeal to the county board of education. Only if the county board denies the petition may the petitioners submit the appeal to the State Board.

Subsection (b). Item (2) was deleted to recognize that the charter school appellant has no control over the action of the denying entity and therefore, should not be required to submit documents originating form the denying entity.

Subsection (c). This section has been revised to reflect the new sequential process of appeal form the county to the state.

Subsection (d). Amendment provides technical clarity.

Subsection (e). Amendment provides technical clarity and acknowledges the role of the newly established Advisory Commission on Charter Schools (ACCS) in the appeal process.

Subsection (f). The proposed amendment to subsection (f) makes a minor and technical amendment to remove language duplicated in subsection (c).

SECTION 11967.6

Education Code Section 47605.8 creates new responsibilities for the State Board to review and approve charter schools of statewide interest that propose to operate on multiple sites. *Education Code* Section 47605.8(a) requires the SBE to adopt regulations to implement Section 47605.8.

Further, *Education Code* Section 47605.8(d) states, "The State Board of Education shall not be required to approve a petition for the operation of a statewide charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6." Section 47605.6(b)(6) states that the board may deny a petition on any "basis the board finds justifies the denial of the petition." The section appears to give the State Board broad authority and discretion to establish the criteria and standards for charter approval. Therefore, these regulations are necessary to establish State board policy and provide clear guidance to charter petitioners.

Subsection (a). The State Board previously adopted regulations describing the criteria and process for State Board review and approval of charters that have been denied by local entities, which are included in sections 11967 through 11967.5.1. This subsection applies these existing regulations as a basis for implementing *Education Code* Section 47605.8. However, *Education Code* Section 47605.8 creates a new type of State Board-approved charter school that requires additional considerations that are not addressed in existing regulations.

Subsection (b). This subsection provides parameters for consideration of a statewide charter. For purposes of this section, a charter must provide for the instruction of pupils "at sites in more than one district or in more than one county" and must initially commence instruction at more than one site. This restriction is consistent with *Education Code* Section 47605.8(a), which requires a statewide charter to "operate at multiple sites through out the state." This subsection will ensure a scope of operation that is significantly different from a single site charter. This subsection also provides procedures and timelines for the commencement of operation of each school site to be operated by an approved statewide charter school. Paragraph 5 specifically applies *Education Code* Section 47652(b) to statewide charter schools, which requires a charter to commence operation no later than September 30 of the first fiscal year of operation.

Subsection (c). This subsection parallels the requirements in Section 11967 that established specific application requirements for charter petitions to the State Board. However, multi-site charter schools present a greater level of complexity than single-site charter schools. Therefore, this subsection establishes requirements that are similar to those for single-site charter schools, but modify them to address each requirement for each site that will be operated by the school. Paragraphs 1 and 2 parallel specific requirements of law related to charter submittals.

Paragraphs 3 through 5 establish specific requirements for local input and communication about the proposed charter school. Multi-site charter schools submitted to the State Board could potentially bypass the traditional local consideration for a charter school. Local input for charter development and approval is a key element to the success of charter schools. Therefore, these paragraphs require petition signatures, local district notification, and public hearings for each site of the proposed charter. This will ensure an opportunity for local input and communication, even though the charter school will be authorized at the state level.

Paragraph 6 of this subsection defines what is required of a petitioner to convince the State Board that the multi-site charter school will be of "statewide benefit." Statewide benefit is a requirement for State Board approval. "Statewide benefit" is defined in such a way that ensures that the State Board approval of a multi-site charter school would be of greater benefit to the state as a whole, than would be the loss of the local benefit of approving and overseeing a charter school.

Paragraph 7 requires the scope of the charter school audit to include consideration for each site. This requirement is intended to improve site level management and ensure each site of a multi-site charter school is compliant.

Paragraph 8 restates existing law *(Education* Code Section 47605.8) regarding oversight fees to ensure the petitioners understanding of this cost.

Paragraph 9 requires site-specific information for each site of the multi-site school. This is similar to the site and facility information that is required of all charter schools pursuant to

Education Code Section 47605(g).

Paragraph 10 clarifies that a multi-site charter school must operate essentially the same

educational program at each site. This is consistent with *Education Code* Section 47602 that requires a multi-site charter school that operates different educational programs to receive separate numbers by the State Board. Further, if a school were to operate significantly different educational programs at each site, it would not be able to meet the test of a single school of statewide benefit. It would be more appropriate for such an operation to seek individual charters from each local district in which it chooses to operate.

Paragraph 11 requires specific information about the school's special education program. The provision of special education services by a single school on multiple sites throughout the state could be very complicated and problematic. Further, the consequences of noncompliance with special education laws is potentially very serious. Therefore, requiring specific information on the school's special education program is justified.

Paragraph 12 requires information about the operation of the multi-site charter school. Because of the complexity of operating at several sites, this requirement is necessary to ensure that the schools have a viable operation and administrative plan.

Subsection (d). This subsection clarifies *Education Code* Section 47605.8(d) and applies a standard for denial action that conforms to Section 47605(b) and current State Board practice. This subsection is necessary to ensure that the State Board may apply discretionary authority beyond the specific requirement of these regulations as provided by the statute. This is necessary because of the broad variety of charter school models and modes of operation, and is clearly intended by *Education Code* sections 47605.8(d) and 47605.6(b)(6).

Subsection (e). This subsection provides timelines for State Board consideration of petitions and a process for review of charter petitions. Because of the complexity of reviewing and considering a multi-site charter, 150 days provides a reasonable review time. This will allow sufficient time for staff review of the petition, consideration of the petition by the ACCS and comment by the petitioners prior to State Board consideration. Timelines for posting agendas for both the ACCS and the State Board require this timeline to be longer than might otherwise be necessary. There is no statutory basis to require a shorter time line for approval.

Subsection (f). This section is necessary to explicitly clarify the provisions for renewal, revision, and revocation of charter schools approved under this section. While the applicability of *Education Code* Section 47407 is implicit in the law, explicit clarification here is warranted.

Subsection (g). This subsection specifies limitations on the provision of independent study in a statewide charter. Since the law does not provide any flexibility for statewide charters with

regard to operating independent study, it is necessary to be explicit here so that independent

study providers fully understand the complexity and restrictions of operating independent study programs through a statewide charter.

SECTION 11967.7

This section provides technical clarity regarding the funding calculation and process for providing operational funding to statewide charter schools.

Subsection (a). *Education Code* Section 47605.8 establishes new authority for the State Board to authorize and oversee charters schools of statewide interest. These charter schools are not associated with any local school district. However, the charter school funding model established in *Education Code* Section 47633 relies on a combination of state and local revenues to fully fund a charter school's block grant. The local revenue comes from the "sponsoring local education agency" (LEA) which is specifically defined in *Education Code* Section 47632(i). The sponsoring LEA is usually the school district that authorized the charter school, or in the case of a charter school approved on appeal, the district that initially denied the charter. The "sponsor" is responsible for the local property tax portion of the charter school block grant. However, in the case of a statewide charter approved pursuant to *Education Code* Section 47605.8, no sponsoring LEA is identified in statute. This subsection clarifies that for purposes of the local tax transfer, there is no "sponsoring LEA" and, therefore, the charter school block grant shall be funded entirely form state aid. Further, because there is no associated LEA in a statewide charter, this subsection also specifies that a statewide charter must be direct-funded for purposes of the charter school funding model.

The alternative to this method would be to require the "sponsor" to be "the pupil's school district of residence." This is the definition used for certain county authorized charter schools as specified in *Education Code* Section 47632(i)(4). However, the complexity in collecting and calculating this information for a charter school that may enroll students from any district in the state would be virtually impossible to administer. The resources required to attempt it would far outweigh the value of the local tax offset. Therefore, the method proposed here is the most reasonable given the lack of clear legislative direction on this issue.

Subsection (b). This subsection clarifies a process by which statewide charter school becomes associated with a county office of education for purposes of receiving funding. Because there is no LEA associated with a statewide charter school, a county office must be assigned to act as the LEA for purposes of establishing funding transfers for a statewide charter school.

SECTION 11968

These amendments are necessary to align the charter numbering process more closely with the language in *Education Code* Section 47602 as amended by AB 1994, and the amendments to Section 11969 that are proposed below.

SECTION 11969

These amendments are necessary because, pursuant to AB 1994 amendments to *Education Code*

Section 47602, the State Board must now provide a separate charter number for each site of a charter school that does not share a common educational program. However, the new law is not explicit about the implications of providing separate numbers within a single charter. Therefore, an amendment to this section of regulation is necessary to clarify numbering of multi-site charter schools that do not share a common educational program. This subsection has also been revised to more closely align the numbering process with the intent of *Education Code* Section 47602 to track the number of charters authorized to operate in the state at any given time.

Subsection (a). The subsection also has been rewritten to more accurately parallel the amended language in *Education Code* Section 47602 regarding assigning multiple numbers to a single charter school. The reassignment of numbers from charter schools that have been closed is necessary to track the number of charters "authorized to operate." If charter numbers are not reassigned when a charter is no longer authorized to operate, the numbering system would not accurately reflect the number of charters authorized at any given point in time, but would instead reflect the cumulative number of charters ever authorized. Reassigning numbers form closed charter schools ensures an accurate count.

Subsection (b). This is a new subsection necessary to implement the new numbering requirement of *Education Code* Section 47602(a). This subsection of regulation would only apply to multi-site charter schools that conform to all of the site restrictions enacted in AB 1994. Since there is no definition of "common educational program" in the law, this subsection establishes criteria for the State Board to determine the circumstances under which a multi-site charter school should receive multiple charter numbers for purposes of tracking the cap on the number of charter schools authorized to operate. This subsection also requires a charter petitioner that will operate on multiple sites to provide information for the State Board to establish whether the conditions for applying multiple charter numbers have been met.

Subsection (c). This subsection provides a process, similar to the numbering of multiple site charters in subsection (b), that applies in the situation in which an existing charter school adds a new school site. This subsection provides a process and criteria to establish whether the new site should receive a charter number in conformance with the AB 1994 amendments to *Education Code* Section 47602.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS.

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

The State Board was not presented with other viable alternatives to the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business because they provide a process for a new type of charter school to obtain approval from the State Board and therefore, have no effect one existing charter schools or small businesses.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Amend Section 11967 to read:

Section 11967. Appeals on Charter Petitions That Have Been Denied.

§11967. (a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education ~~or the State Board of Education~~ not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education not later than 180 calendar days after the denial. Any petition received by the county board of education or State Board of Education more than 180 days after denial shall not be acted upon by the county board of education or State Board of Education.

(b) When filing a petition with the county board of education or the State Board of Education for the establishment of a charter school, petitioner(s) shall provide the following:

(1) A complete copy of the charter petition as denied, including the signatures required by Education Code section 47605.

~~(2) A copy of the governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) 1-5.~~

(2) ~~(3)~~ A signed certification of compliance with applicable law.

(3) ~~(4)~~ A description of any changes to the petition necessary to reflect the county ~~office~~ board of education or the State Board of Education as the chartering entity.

~~(c) The county board of education or State Board of Education shall deny a petition for the establishment of a charter school only if it makes written factual findings, specific to the~~

~~particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b)(1)-(5).~~

(c) (1) Following the denial of a charter petition by a district governing board, and upon the submission of a charter petitioner as described in Education Code section 47605(j)(1), a county board of education shall review the petition pursuant to Education Code section 47605(b).

(2) Following the denial of a petition by a county board of education, and upon the filing of a charter petitioner as described in Education Code section 47605(j)(1), the State Board of Education shall review the petition in accordance with Education Code section 47605(b) and the criteria adopted pursuant to Education Code section 47605(j)(2).

(d) Not later than 60 days after receiving a complete petition package pursuant to Education Code section 47605(j)(1), and following review of the petition and a public hearing, ~~the~~ a county board of education shall grant or deny the charter petition. This date may be extended by an additional 30 days if the county board of education and the petitioner(s) agree to the extension.

(e) Not later than 90 days after receiving a complete petition package pursuant to Education Code section 47605(j)(1), and following review of the petition and a public hearing, the State Board of Education shall schedule, at its next regular board meeting, an action item to grant or deny the charter petition. This date may be extended by an additional 30 days if the State Board of Education and the petitioner(s) agree to the extension. If, in the process of reviewing the petition, the Advisory Commission on Charter Schools established in keeping with Education Code section 47634.2(b) holds a public hearing, the State Board of Education need not hold an additional public hearing before taking action. The State Board is obligated to hear public comment on each agenda item it considers in accordance with the Bagley-Keene Open Meeting Act.

(f) In considering charter petitions that have been previously denied, by a school district the county board of education or State Board of Education shall not limit its review to the reasons for denial stated by the school district~~, but review the charter school petition pursuant to Education Code section 47605(b)~~.

Note: Authority cited: Sections 33031 and 47605(j)(5), Education Code. Reference: Section 47605(j)~~(4)~~, Education Code.

Add Section 11967.6 to read:

Section 11967.6. Statewide Charter Schools.

(a) This section governs petitions to establish statewide charter schools pursuant to Education Code section 47605.8. Any such petition shall:

(1) Provide that the proposed school will meet all requirements otherwise imposed on charter schools pursuant to Part 26.8 of the Education Code, except those requirements relating to geographic and site limitations.

(2) Be approved only after the State Board of Education makes a finding in the public record that the proposed school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district or only one county.

(3) Be reviewed by the State Board in keeping with Education Code section 47605(b), the criteria adopted pursuant to Education Code section 47605(j)(2), and the provisions of this section.

(b) A petition shall include provisions for the instruction of pupils at sites in more than one school district or more than one county, subject to the following provisions:

(1) The school shall initially commence instruction of pupils in at least two of the planned sites, which shall be in at least two different school districts or two different counties.

(2) Any subsequent modification to the charter related to site information required in paragraph (9) of subdivision (c) shall require approval of the State Board of Education. The charter school may also add additional sites upon completion of the requirements in paragraphs (3), (4), (5), (9), (10), and (11) of subdivision (c) and approval of the State Board of Education.

(3) After a charter has been granted, but before the instruction of pupils commences at each site, the site shall be subject to an administrative determination by the California Department of

Education as to the completion of site-related requirements in subdivision (c) and compliance of the site with any conditions the State Board of Education may prescribe in its approval of the charter petition.

(4) The school shall notify the California Department of Education within 60 days of proposed commencement of instruction at each site identified in the charter, including submission of all documentation required in paragraph (3). Within 30 days of the receipt of a complete and documented request for an administrative determination pursuant to this paragraph, the California Department of Education shall evaluate the adequacy and appropriateness of the facilities for the proposed educational program and notify the charter petitioner(s) and any affected local education agency of its determination. The charter petitioner(s) or any affected local education agency may appeal the administrative determination within 10 days of the California Department of Education's notification. If an appeal is filed, the administrative determination is temporarily stayed, and the matter will be placed on the agenda of the next meeting of the State Board of Education (consistent with the requirements of the Bagley-Keene Open Meeting Act). The State Board of Education may approve, amend and approve, or reject the administrative determination of the California Department of Education. If no action is taken by the State Board of Education, the administrative determination of the California Department of Education shall stand.

(5) A school site in its first year of operation may only commence instruction between July 1 and September 30 of that year.

(c) A petition package shall, at a minimum, include all of the following components:

(1) A complete copy of the charter petition.

(2) The information specified in Education Code section 47605(g).

(3) Signatures either of parents or guardians or of teachers in keeping with Education Code section 47605(a)(1) for each site that is identified in the petition.

(4) For each site that is identified in the petition, evidence that the petitioner has notified the superintendent of each school district (on behalf of the district's governing board) and the superintendent of schools of each county (on behalf of the county board of education) in which

the charter school identifies a site will be located. The notifications shall express the intent of the petitioner to submit the petition to the State Board of Education and include both a copy of the petition as then developed and the petitioner's plan for solicitation of local community input as provided for in paragraph (5).

(5) A description of how the petitioner(s) or representatives of the petitioner(s) have solicited local community input for each site where the charter identifies the school will operate. Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each site, with a summary of the input received at the meeting(s) being included in the petition package.

(6) A description of how the charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county. Neither a description of administrative or operational benefit to a charter operator, nor an expression of desire by a charter operator to provide services in more than one district and county, shall be considered sufficient to constitute a statewide benefit in and of itself. The description may include, but is not limited to:

(A) The particular factors and circumstances related to the school's educational program that make the school best able to meet its educational mission as a statewide charter school, rather than as a district- or county-authorized charter school.

(B) How the charter school's approval as a statewide charter school, rather than a district- or county-authorized charter school, will be of benefit to:

(i) the pupils who will attend the school;

(ii) the communities (including the school districts and the counties) in which the school sites will be located (e.g., in terms of pupil demographics and performance);

(iii) the state; and

(iv) to the extent applicable, the school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

(C) Other information to help the State Board determine that the petition is particularly well positioned to be a statewide charter, rather than a locally approved charter and that approval will

result in a statewide charter school that is both fully compliant with the requirements of law and likely to be a successful school.

(7) An acknowledgement that an annual independent audit of the school must be conducted in keeping with applicable statute and regulation and an indication of how the school's individual sites will be appropriately included in the audit process.

(8) An acknowledgement that the school must pay charges for oversight costs in keeping with statute, and that the State Board may delegate oversight and monitoring of the school's operation to a third party.

(9) A list of each site that will be operated by the school that includes:

(A) A timeline for the commencement of instruction at each site;

(B) The general location of each site and the school district and county in which each site is to be located;

(C) A description of the potential facilities to be used at each site; and

(D) The approximate number of pupils that can safely be accommodated at each site.

(10) Consistent with the proposed charter, an assurance that the educational program described in the charter will be essentially similar at each site and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings and class schedules.

(11) A description of how the school and each of its sites will participate in a special education local plan area (SELPA) pursuant to Education Code section 47641, recognizing the critical role of a SELPA in:

(A) Distributing special education funding;

(B) Ensuring that pupils are being appropriately identified and referred for special education; and

(C) Once individualized education programs have been established, ensuring that pupils are receiving necessary programs and services.

(12) A plan for operations of the school that describes the distinction between centralized and

site level responsibilities and includes a staffing plan to implement the activities at the designated level. The plan shall address all topics of school operations including, but not limited to: facilities and site operations, legal and programmatic compliance, financial administration, governance, and decision-making authority.

(d) The State Board of Education is not required to approve any petition pursuant to Education Code section 47605.8. The State Board may deny a petition for any of the reasons set forth in Education Code section 47605.6(b).

(e) (1) Unless otherwise agreed to by the petitioner(s), not later than 150 days after receiving a complete petition package and following review of a petition and a public hearing, the State Board of Education shall consider an action item to grant or deny the petition.

(2) Prior to consideration by the State Board of Education, the petition shall be considered by the Advisory Commission on Charter Schools established pursuant to Education Code section 47634.2(b). If the Advisory Commission holds a public hearing in conjunction with its consideration of the petition, then the State Board need not hold an additional public hearing before taking action. The State Board is obligated to hear public comment on each agenda item it considers in accordance with the Bagley-Keene Open Meeting Act.

(3) The California Department of Education shall review the petition and provide an analysis, along with any recommendation(s), to the members of the Advisory Commission and to the petitioner(s) at least 10 days prior to the petition's consideration by the Advisory Commission on Charter Schools. The California Department of Education's analysis and recommendations are subject to clarification or revision prior to (or at) the meeting of the Advisory Commission as may be necessary in the judgment of the California Department of Education.

(4) Following its submission, a petition or any other element of a petition package may be modified only with the approval of the State Board of Education.

(5) A recommendation to grant or to deny a petition by the Advisory Commission on Charter Schools and/or by the California Department of Education may include a recommendation to allow modifications and may specify any recommended conditions of approval.

(6) Any findings and any recommendation by the Advisory Commission on Charter Schools shall be reported to the State Board of Education by the California Department of Education.

(f) A petition shall be subject to the provisions of Education Code section 47607 regarding charter term, renewal, material revision, and revocation.

(g) A petition approved pursuant to this section may provide for independent study if all of the following conditions are met:

(1) Any instruction provided through independent study complies with all requirements of law.

(2) If the school provides nonclassroom-based instruction that exceeds the percentage specified in Education Code section 47612.5, it shall be funded only in keeping with a determination of funding separately approved pursuant to Education Code section 47634.2. Approval of a determination of funding for a statewide charter school may not be incorporated in a petition.

(3) The provision for independent study in the charter is express. A charter that does not expressly provide for independent study may not be interpreted as allowing independent study.

Note: Authority cited: Section 33031 and 47605.8, Education Code. Reference 47605, 47605.6, 47613, and 47641, Education Code.

Add Section 11967.7 to read:

Section 11967.7. Funding for Statewide Charter Schools.

(a) For the purpose of funding charter schools approved pursuant to Education Code Section 47605.8 and Section 11967.6, the following shall apply.

(1) The charter school shall be funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630) and shall receive its funding directly.

(2) There is no “sponsoring local education agency” as defined in Education Code Section 47632.

(3) In the computation of the charter school’s general-purpose entitlement pursuant to Education Code section 47633, there is no local revenue, and the total amount of the charter

school's general-purpose entitlement shall be fully funded from state aid.

(4) The warrant for the charter school shall be drawn in favor of the superintendent of schools of the county office of education assigned in subdivision (b) of this section.

(b) (1) For charter schools approved pursuant to Education Code Section 47605.8 and Section 11967.6, the State Board of Education may assign any county office of education (with the consent of the county office) the responsibility for establishing the appropriate funds or accounts in the county treasury and for making the necessary arrangements for participation in the State Teachers' Retirement System and/or the Public Employees Retirement System as requested by the charter school. The county office may charge the charter school for the actual cost of services in accordance with Education Code Section 47611.3.

(2) Preference shall be given in any assignment made pursuant to paragraph (1) of this subdivision to the county office of education in the county that the charter school identifies as the principal location of its business records.

(3) If no county office of education is willing to accept the responsibilities described in paragraph (1), then the county office of education in the county that the charter school identifies as the principal location of its business records may be assigned by the State Board of Education.

(4) The State Board of Education may send part of any oversight fee it may collect for a statewide charter school to the county office of education assigned pursuant to this subdivision.

Note: Authority cited: Section 33031 and 47605.8, Education Code. Reference Section 47632 and 47651, Education Code.

Amend Section 11968 to read:

Section 11968. Maximum Number of Charters.

§11968. (a) If a charter school ceases to operate ~~through~~ for any reason, including, but not limited to, voluntary surrender, revocation, or non-renewal of its charter, the charter school's number or numbers will lapse and will ~~not~~ be reassigned in the numbering system maintained by the California Department of Education pursuant to Section 11969. The purpose of reassignment of numbers shall be to ensure, to the extent practicable, that the highest charter number assigned

at any given time corresponds to the total number of charters that may provide instruction to pupils in this state. The reassignment of charter numbers shall be accomplished so as to avoid any confusion that might otherwise arise from a current charter school being assigned a number that formerly was assigned to a different charter school.

(b) On July 1, 1999, and on each succeeding July 1, the ~~limit on the total number of allowable charter petitions~~ maximum number of charter schools authorized to operate in this state will be increased by 100.

(c) Whenever the ~~statutory limit on the permissible~~ maximum number of charter ~~school petitions~~ schools authorized to operate in this state is reached, ~~requests for new numbers will be placed on a list in the order received by the State Board of Education~~ as determined by the numbering system maintained pursuant to Section 11969, then no charter school assigned a charter number thereafter is authorized to operate until one of the following occurs:

(A) The maximum number is increased sufficiently to accommodate the school; or

(B) The ceasing to operate of an existing charter school or schools for any reason (including, but not limited to, voluntary surrender, revocation, or non-renewal) creates sufficient capacity within the maximum number to accommodate the school.

Note: Authority cited: Sections 33031 and 47602(b), Education Code. Reference: Section 47602, Education Code.

Amend Section 11969 to read:

Section 11969. Numbering of Charter School Petitions. §11969. ~~Each charter petition granted pursuant to subdivision (j) of Section 47605 of the Education Code and each charter notice received by the State Board of Education pursuant to subdivision (i) and paragraph (5) of subdivision (j) of Section 47605 shall be given one number. For purposes of calculating the maximum total number of charter schools authorized to operate in this state, each petition shall be deemed to authorize one charter school.~~

(a) (1) In accordance with subdivision (a) of Section 47602 of the Education Code, the California Department of Education, on behalf of the State Board of Education, shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of notification of charter approval or, in the case of a charter petition approved by the State Board of Education, the time of the State Board's approval. The purpose of the numbering system shall be to ensure that the maximum number of charter schools that may provide instruction to pupils in this state is not exceeded at any time.

(2) Whenever the maximum number of charter schools authorized to operate in the state is reached as determined by the numbering system, the provisions of subdivision (c) of Section 11968 shall apply.

(3) To determine whether any additional site that a chartering entity allows a charter school to open is within the maximum number of charter schools authorized to operate in the state, the provisions of subdivision (c) shall be applied.

(b) (1) When the State Board of Education approves a charter petition or receives notice that a charter petition has been approved by a local education agency, the State Board shall assign the school described in the petition one charter number, unless both of the following conditions are met:

(A) The school will operate at multiple sites; and

(B) Among the multiple sites, one or more of the sites shall offer different educational programs or serve different pupil populations than the other site(s). For purposes of this subparagraph, "different pupil populations" may include, but not limited to, pupils in different grade levels and pupils who have different educational characteristics or needs.

(2) If an approved charter petition meets the conditions set forth in subparagraphs (A) and (B) of paragraph (1) in the judgment of the State Board of Education, then the State Board shall assign the school (to be established under the approved petition) multiple charter numbers, as the State Board determines appropriate, but no more than one charter number per site.

(3) As necessary, the petitioner or petitioners for a charter school that has been approved by a local education agency shall provide the California Department of Education information regarding the applicability to the school of the conditions specified in subparagraphs (A) and (B) of paragraph (1) for purposes of assisting the State Board of Education in determining the appropriateness of assigning the school a single charter number or multiple charter numbers.

(4) The State Board of Education shall also assign multiple charter numbers to a charter school when the provisions of subdivision (c) apply.

(c) (1) When the chartering entity of an existing, numbered charter school allows the school to open one or more additional sites, the charter school shall notify the California Department of Education within 30 days (of the chartering entity's action being taken) in order for a determination to be made as to whether one or more additional charter numbers must be assigned to the school.

(2) As necessary, the charter school shall provide the California Department of Education information to assist the State Board of Education in determining whether the additional site(s) meet the conditions described in subparagraphs (A) and (B) of paragraph (1) of subdivision (b) and, thus, whether the school must be assigned one or more additional charter numbers.

(3) If the State Board of Education determines that the additional site(s) meet the conditions specified in subparagraphs (A) and (B) of paragraph (1) of subdivision (b), then the State Board shall assign one or more additional charter numbers to the school in keeping with paragraph (4) of subdivision (b), but no more than one charter number per site.

(4) This subdivision shall not apply if a charter school moves from one site to another, provided the total number of sites operated by the school does not increase.

(5) This subdivision shall not apply if a charter school is requested or required by the school's chartering entity to break up a single site into multiple sites, e.g., to better utilize available facilities. In such a case, the affected school will retain a single charter number for the multiple sites so created.

Note: Authority cited: Section 33031, Education Code. Reference: Section 47602, Education Code.

10/8/03

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **November 4, 2003**

From: **William J. Ellerbee, Jr., Deputy Superintendent**
School and District Operations Branch

Re: **ITEM 26**

Subject **ASSEMBLY BILL 1994 PROGRAMMATIC IMPLEMENTATION: APPROVE COMMENCEMENT OF THE RULEMAKING PROCESS FOR AMENDMENTS TO TITLE 5**

Please add the following attachment, which provides the required analysis of the fiscal impact of the proposed regulations:

Attachment 4: Economic and Fiscal Impact Statement and Analysis (Pages 1-10)

STATE OF CALIFORNIA

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 2-98)

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Education	Don Killmer	323-2591
DESCRIPTIVE TITLE FROM *NOTICE REGISTER* OR FORM 400		NOTICE FILE NUMBER
Multisite Charters (version 10/08/03)		Z

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *(Include calculations and assumptions in the rulemaking record.)*

1. Check the appropriate box(es) below to indicate whether this regulation:

☐ a. Impacts businesses and/or employees

☐ b. Impacts small businesses

☐ c. Impacts jobs or occupations

☐ d. Impacts California competitiveness

☐ e. Imposes reporting requirements

☐ f. Imposes prescriptive instead of performance standards

☐ g. Impacts individuals

☐ h. None of the above *(Explain below. Complete the Fiscal Impact Statement as appropriate.)*

h. *(cont.)*_____

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted:_____ Describe the types of businesses *(Include nonprofits)*:_____

Enter the number or percentage of total businesses impacted that are small businesses:_____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain:_____

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional *(list areas):* _____

5. Enter the number of jobs created:_____ or eliminated:_____ Describe the types of jobs or occupations impacted:_____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly:_____

B. ESTIMATED COSTS *(Include calculations and assumptions in the rulemaking record.)*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $_____

a. Initial costs for a small business: $_____ Annual ongoing costs: $_____ Years: _____

b. Initial costs for a typical business: $_____ Annual ongoing costs: $_____ Years: _____

c. Initial costs for an individual: $_____ Annual ongoing costs: $_____ Years: _____

d. Describe other economic costs that may occur:_____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *(Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.):* $_____

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: $_____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $_____

C. ESTIMATED BENEFITS *(Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? $_____

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: $_____	Cost: $_____
Alternative 1:	Benefit: $_____	Cost: $_____
Alternative 2:	Benefit: $_____	Cost: $_____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☐ No

Explain: _____

E. MAJOR REGULATIONS *(Include calculations and assumptions in the rulemaking record.)*
Cal/EPA boards, offices and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million ? ☐ Yes No *(If No, skip the rest of this section)*

2. Briefly describe each equally as effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1:_____

   Alternative 2:_____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	$ _____	Cost-effectiveness ratio: _____
Alternative 1:	$ _____	Cost-effectiveness ratio: _____
Alternative 2:	$ _____	Cost-effectiveness ratio: _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *(Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years)*

☐ 1. Additional expenditures of approximately $_____in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in (Item_____,Budget Act of_____) or (Chapter_____,Statutes of_____

☐ b. will be requested in the_____Governor's Budget for appropriation in Budget Act of _____.
(FISCAL YEAR)

☐ 2. Additional expenditures of approximately $_____in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in_____

☐ b. implements the court mandate set forth by the_____

court in the case of_____vs._____

☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No._____at the_____ election;
(DATE)

☐ d. is issued only in response to a specific request from the _____

_____, which is/are the only local entity(s) affected;

☐ e. will be fully financed from the _____authorized by Section
(FEES, REVENUE, ETC.)

_____of the_____Code;

☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.

☐ 3. Savings of approximately $_____annually.

☑ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

☑ 1. Additional expenditures of approximately $ TBA in the current State Fiscal Year. It is anticipated that State agencies will:

☑ a. be able to absorb these additional costs within their existing budgets and resources. *** See Attached Analysis ***

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $_____ in the current State Fiscal Year.

☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

☐ 1. Additional expenditures of approximately $_____ in the current State Fiscal Year.

☐ 2. Savings of approximately $_____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

Original on File

SIGNATURE		TITLE
✍		Ed. Fiscal Services Consultant
AGENCY SECRETARY [1] APPROVAL/CONCURRENCE	Deputy Superintendent	DATE
DEPARTMENT OF FINANCE [2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER ✍	DATE

1. *The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.*

Economic and Fiscal Impact Analysis
Proposed Amendments of Title 5, CCR, Regulations
Relating to Multisite Charter Schools

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed new and amended (version 10/08/03) regulations, amending Sections 11967, 11968, 11969, and adding Sections 11967.6 and 11967.7, of Subchapter 19, of Chapter 11, of Division 1, of Title 5, of the California Code of Regulations, relating to Multisite Charter Schools.

What would the proposed regulations do?
The proposed regulations clarify existing law with regard to the State Board of Education's process for reviewing charter petitions that have been denied by a county office and a local school district; establish a process and criteria for State Board review and approval of charter schools of statewide interest that will operate on multiple sites; clarify the funding process to be used for statewide and countywide charter schools; and clarify the State Board's process for numbering charter schools that will operate on multiple sites.

These regulations are being written or amended as a result of the implementation Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002) which amended the Charter School Act of 1992, and added or amended Education Code Sections (EC§) which:

- Create new responsibilities for the State Board to review and approve charter schools of statewide interest that propose to operate on multiple sites (§47605.8)
- Require the SBE to adopt regulations to implement this section (§47605.8(a))
- Create new responsibilities for county boards of education to review and approve charter schools of countywide interest that propose to operate on multiple sites within the county (§47605.6)
- Relate to State Board numbering of charter petitions (§47602)
- Relate to appeals of charter petitions that have been denied (§47605(j))

Do the proposed regulations impose a local cost mandate?
No. There are no additional cost or savings because these regulations make only technical, non-substantive or clarifying changes to current law and regulations. The activities specified in the regulations are necessary in order to implement the statute and are consistent with the direction given in statute; therefore, any costs associated with the activities are attributable to the statute.

In addition, costs associated with the increased activities (specified in statute and clarified in these regulations) to be performed by the county offices or the local school districts are to be paid for in accordance with EC §47613, which states:

> EC §47613.
> (a) Except as set forth in subdivision (b), a chartering agency may charge for the actual costs of supervisorial oversight of a charter school not to exceed 1 percent of the revenue of the charter school.

(b) A chartering agency may charge for the actual costs of supervisorial oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering agency.
(c) A local agency that is given the responsibility for supervisorial oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the costs of supervisorial oversight, and administrative costs necessary to secure charter school funding, not to exceed 3 percent of the revenue of the charter school. A charter school that is charged for costs under this subdivision shall not be charged pursuant to subdivision (a) or (b).
(d) This section shall not prevent the charter school from separately purchasing administrative or other services from the chartering agency or any other source.
(e) For the purposes of this section, a chartering agency means a school district, county department of education, or the State Board of Education, that granted the charter to the charter school.

Further, any activities mandated of a charter school, by the regulations, would be required only of a charter school choosing to be chartered by the State Board of Education or providing instruction at multisites; thus these regulations do not impose a reimbursable mandate on a charter school.

SPECIAL NOTE:
This Economic and Fiscal Impact Statement is made with the knowledge that an important and relevant question is being asked of the Commission on State Mandates in "Charter Schools III," a test claim being heard before the Commission (CSM 99-TC-14). The question is simply whether charter schools are eligible to receive reimbursement for mandated costs under Division 4, Part 7 of the *Government Code.* The Department of Finance (DOF) via the Attorney General's Office (AG) states in comments filed with the Commission that:

A. The School's Claim. DOF will show that the School is not a proper claimant as it is not a "school district" within the meaning of Government Code Section 17551. Therefore the Commission lacks jurisdiction and should neither hear nor decide upon any claim the School asserts. However, even assuming for the sake of argument that the School was a proper claimant, none of the asserted mandates are unfounded because the State has already allocated enough money to charter schools to fund any and all mandated and discretionary activities. Additionally, unlike school districts, charter schools upon seeking to be chartered and upon having their charter reauthorized every five years, operate an optional program and thus choose to accept the State's requirements for such operation. Furthermore, even ignoring the preceding, some of the challenged "mandates" are merely unreimbursable costs or valid redistributions of local funds. Lastly, the other claims listed are not increased services new to school districts and local education agencies; they simply constitute long-standing traditional requirements of schools.

B. District's Claim. DOF will demonstrate that, for the most part, the codified code sections raised by the District stemming from Chap. 34/98, Chap. 78/99, Chap. 786/99 and the CDE Letter do not constitute any significant new programs or higher level of services in existing programs have been mandated by the State. Moreover, DOF will demonstrate that many of the challenged responsibilities are part of the District's normal overhead and operating cost — i.e., basic costs of doing business that are covered by general purpose appropriations. DOF will also show that the State provided the District an ability to gain additional revenue by charging the charter schools for administrative services provided to the charter schools. Further, many of the supposedly new requirements are wholly optional and voluntary, with any costs flowing naturally and foreseeably from discretionary choices made by the District itself or from circumstances not attributable to the challenged state laws and executive order.

Do the proposed regulations impose costs upon the state?
Yes. The proposed new and amended regulations would create additional workload in an existing program, thereby creating the potential for additional expenditures by the state.

New or Amended Section	Language or Practice Prior to Amendment	Fiscal Effect
Section 11967.6. Statewide Charter Schools. (b)… (3) After a charter has been granted, but before the instruction of pupils commences at each site, the site shall be subject to an administrative determination by the California Department of Education as to the completion of site-related requirements in subdivision (c) and compliance of the site with any conditions the State Board of Education may prescribe in its approval of the charter petition.	* No regulatory language prior to this amendment.	**Additional State workload without reimbursement or funding* Since EC §47613(e) does not include the California Department of Education (CDE) the CDE would not be subject to reimbursement of actual cost for supervisorial oversight. Since these activities are not addressed in statute this work would be unfounded, however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.
Section 11967.6. Statewide Charter Schools. (b)… (4) The school shall notify the California Department of Education within 60 days of proposed commencement of instruction at each site identified in the charter, including submission of all documentation required in paragraph (3). Within 30 days of the receipt of a complete and documented request for an administrative determination pursuant to this paragraph, the California Department of Education shall evaluate the adequacy and appropriateness of the facilities for the proposed educational program and notify the charter petitioner(s) and any affected local education agency of its determination. The charter petitioner(s) or any affected local education agency may appeal the administrative determination within 10 days of the California Department of Education's notification. If an appeal is filed, the administrative determination is temporarily stayed, and the matter will be placed on the agenda of the next meeting of the State Board of Education (consistent with the requirements of the Bagley-Keene Open Meeting Act). The State Board of Education may approve, amend and approve, or reject the administrative determination of the California Department of Education. If no action is taken by the State Board of Education, the administrative determination of the California Department of Education shall stand.	* No regulatory language prior to this amendment.	**Additional State workload without reimbursement or funding* Since EC §47613(e) does not include the California Department of Education (CDE) the CDE would not be subject to reimbursement of actual cost for supervisorial oversight. Since these activities are not addressed in statute this work would be unfounded, however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.

Section 11967.6. Statewide Charter Schools. (e) … (2) Prior to consideration by the State Board of Education, the petition shall be considered by the Advisory Commission on Charter Schools established pursuant to Education Code section 47634.2(b). If the Advisory Commission holds a public hearing in conjunction with its consideration of the petition, then the State Board need not hold an additional public hearing before taking action. The State Board is obligated to hear public comment on each agenda item it considers in accordance with the Bagley-Keene Open Meeting Act.	* No regulatory language prior to this amendment.	The Advisory Commission established by EC §47634.2(b)(1) is authorized to "recommend criteria to the board in accordance with this section if it has not done so by the effective date of the act…" The proposed language of Section 11967.6(e)(2) would broaden the charge of the commission and is not authorized in statute; as such these activities are unfunded.
Section 11967.6. Statewide Charter Schools. (e) … (3) The California Department of Education shall review the petition and provide an analysis, along with any recommendation(s), to the members of the Advisory Commission and to the petitioner(s) at least 10 days prior to the petition's consideration by the Advisory Commission on Charter Schools. The California Department of Education's analysis and recommendations are subject to clarification or revision prior to (or at) the meeting of the Advisory Commission as may be necessary in the judgment of the California Department of Education.	* No regulatory language prior to this amendment.	**Additional State workload without reimbursement or funding* Since EC §47613(e) does not include the California Department of Education (CDE) the CDE would not be subject to reimbursement of actual cost for supervisorial oversight. Since these activities are not addressed in statute this work would be unfounded, however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources. Additionally, the Advisory Commission established by EC §47634.2(b)(1) is authorized to "recommend criteria to the board in accordance with this section if it has not done so by the effective date of the act…" The proposed language of Section 11967.6(e)(3) would broaden the charge of the commission and is not authorized in statute; as such these activities are unfunded.

— Continued on next page —

Section 11968. Maximum Number of Charters. (a) If a charter school ceases to operate ~~through~~ for any reason, including, but not limited to, voluntary surrender, revocation, or non-renewal of its charter, the charter school's number or numbers will lapse and will ~~not~~ be reassigned in the numbering system maintained by the California Department of Education pursuant to Section 11969. The purpose of reassignment of numbers shall be to ensure, to the extent practicable, that the highest charter number assigned at any given time corresponds to the total number of charters that may provide instruction to pupils in this state. The reassignment of charter numbers shall be accomplished so as to avoid any confusion that might otherwise arise from a current charter school being assigned a number that formerly was assigned to a different charter school.		**Additional State workload without reimbursement or funding* The activities of Section 11968 and 11969 are to be performed by the State Board of Education in accordance with EC §47602; however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.
Section 11969. Numbering of Charter School Petitions. (a) (1) In accordance with subdivision (a) of Section 47602 of the Education Code, the California Department of Education, on behalf of the State Board of Education, shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of notification of charter approval or, in the case of a charter petition approved by the State Board of Education, the time of the State Board's approval. The purpose of the numbering system shall be to ensure that the maximum number of charter schools that may provide instruction to pupils in this state is not exceeded at any time.	* Previous regulatory language required "Each charter petition granted pursuant to subdivision (j) of Section 47605 of the Education Code and each charter notice received by the State Board of Education pursuant to subdivision (i) and paragraph (5) of subdivision (j) of Section 47605 shall be given one number. For purposes of calculating the maximum total number of charter schools authorized to operate in this state, each petition shall be deemed to authorize one charter school."	**Additional State workload without reimbursement or funding* The activities of Section 11968 and 11969 are to be performed by the State Board of Education in accordance with EC §47602; however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.
Section 11969. Numbering of Charter School Petitions. (b) … (3) As necessary, the petitioner or petitioners for a charter school that has been approved by a local education agency shall provide the California Department of Education information regarding the applicability to the school of the conditions specified in subparagraphs (A) and (B) of paragraph (1) for purposes of assisting the State Board of Education in determining the appropriateness of assigning the school a single charter number or multiple charter numbers.	* No regulatory language prior to this amendment.	**Additional State workload without reimbursement or funding* The activities of Section 11968 and 11969 are to be performed by the State Board of Education in accordance with EC §47602; however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.

Section 11969. Numbering of Charter School Petitions. (b) … (4) The State Board of Education shall also assign multiple charter numbers to a charter school when the provisions of subdivision (c) apply.	* No regulatory language prior to this amendment.	**Additional State workload without reimbursement or funding* The activities of Section 11968 and 11969 are to be performed by the State Board of Education in accordance with EC §47602; however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.
Section 11969. Numbering of Charter School Petitions. (c) (1) When the chartering entity of an existing, numbered charter school allows the school to open one or more additional sites, the charter school shall notify the California Department of Education within 30 days (of the chartering entity's action being taken) in order for a determination to be made as to whether one or more additional charter numbers must be assigned to the school.	* No regulatory language prior to this amendment.	**Additional State workload without reimbursement or funding* The activities of Section 11968 and 11969 are to be performed by the State Board of Education in accordance with EC §47602; however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.

Summary:

- Costs for the new and amended activities identified in Sections 11968 and 11969 shall be absorbed by the CDE within their existing budgets and resources.
- Costs for the new activities identified in Section 11967.6 are unfounded, however, the CDE believes it can absorb the additional cost of these activities within their existing budgets and resources.

Do the proposed regulations impact local business?
No. The proposed amendments to the regulations should have no impact on local business.

This analysis reflects the attached Economic and Fiscal Impact Statement.

_____ _____
Donald E. Killmer, Consultant Date
Fiscal and Administrative Services Division

_____ _____
Gerald C. Shelton, Director Date
Fiscal and Administrative Services Division

Note: The purpose of the Department's review of regulations for Economic or Fiscal Impact is in part to, determine prior to the Department's submission of the Notice of Proposed Rulemaking to the Office of Administrative Law (OAL), if the regulations impose a mandate upon the locals and if so if there is a cost or savings. Additionally, the review may make a determination of what the cost or savings "may" be and if there is precedence in the determination of the potential costs through previous claims reimbursable through the mandate process authorized in state statute and set forth by the CSM.

If the Department determines that a potential mandate and an additional cost exists, the Department is required to forward that information (via the STD. 399 and this analysis) to the Department of Finance (DOF) for their review. The review by DOF does not need to be completed prior to the Department's submission of the Notice of Proposed Rulemaking to OAL but must be completed prior to the closing of the "Rulemaking Record" and prior to OAL forwarding of the "Record" to the Secretary of State. The DOF review contains an approval or disapproval; typically regulations that impose or could potentially impose an additional cost upon the state are disapproved and the department is required to amend the regulation to eliminate the cost or pull the "Record".

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 27

NOVEMBER 2003 AGENDA

SUBJECT	X	**ACTION**
Funding for Countywide Charter Schools (Assembly Bill 1994): Approve Commencement of the Rulemaking Process for Amendments to Title 5.		**INFORMATION**
		PUBLIC HEARING

Recommendation:

California Department of Education staff recommend that the State Board of Education: (1) approve the proposed regulations pertaining to funding for countywide charter schools established by provisions of Assembly Bill (AB) 1994, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications as may be identified and incorporated 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 to conduct a public hearing on the proposed regulations pursuant to California Code of Regulations, Title 5, Section 18460.

Summary of Previous State Board of Education Discussion and Action:

The SBE adopted permanent regulations implementing to the financial reporting requirements established by AB 1994. Those regulations are currently with the Office of Administrative Law (OAL) awaiting final approval.

The SBE received an information memorandum in August 2003 with an earlier draft of this regulation included with other AB 1994 programmatic regulations, and received this final version in an October 2003 information memorandum.

Summary of Key Issue(s):

Assembly Bill 1994 (Chapter 1058, Statutes of 2002) contained a number of significant programmatic provisions affecting charter schools, and the bill requires the State Board to adopt regulations to implement certain aspects of the statutory changes. The Advisory Commission on Charter Schools (ACCS) discussed various versions of AB 1994 programmatic implementation regulations on several occasions, both in concept and with regard to certain specific elements. During August 2003, State Board members received an information memorandum with a version of the permanent regulations that the ACCS had tentatively endorsed in July. However, at its September 2003 meeting, the ACCS considered the regulations further, and proposed several significant changes. The attached text, which was also provided as part of an information memorandum in October 2003, reflects the ACCS-recommended changes.

Summary of Key Issue(s):

This proposed regulation has been separated from the other AB 1994 regulations in an effort to get them adopted by the First Principal Apportionment in February 2004. There is concern that some of the provisions of the other programmatic regulations may generate controversy and take longer to get through the adoption process. The funding mechanism proposed in this regulation is modeled after the existing funding method for other county-approved charter schools; therefore, it is anticipated that the adoption process for this regulation could be more straightforward. The other AB 1994 programmatic regulations are also before the SBE this month to commence the rulemaking process.

The proposed regulation is currently undergoing fiscal review by CDE staff. There may be technical or nonsubstantive changes recommended as a result of this review, which would need to be incorporated into the regulations prior to the initial rulemaking package being submitted to OAL.

Fiscal Analysis (as appropriate)

The statutory changes enacted by AB 1994 will result in increased costs associated with the increased workload to the CDE and SBE to review, approve, and oversee a greater number of charter schools. There are no anticipated additional costs associated with this proposed regulation, although CDE staff has not completed the financial impact statement. That statement will be provided in a last minute memorandum.

Attachment(s)

Attachment 1: Notice of Proposed Rulemaking (Pages 1-5)
Attachment 2: Initial Statement of Reasons (Pages 1-2)
Attachment 3: Proposed Regulations (Pages 1-2)

STATE OF CALIFORNIA GRAY DAVIS,
Governor

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street; P.O. Box 944272
Sacramento, CA 94244-2720

TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

State Board Review of Multi-site Charters of Statewide Interest
[Notice published _____, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at _____ on _____, ____, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at _____ on _____, ____. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720

Telephone : (916) 319-0641
FAX: (916) 319-0155
E-mail: *dstrain@cde.ca.gov*

AUTHORITY AND REFERENCE

Authority for these regulations is found in *Education Code* Section 33031. *Education Code* Section 33031 is the State Board's general authority to adopt rules and regulations for the government of the day and evening schools of the state that are not inconsistent with the requirement of statute.

Additional authority is provided in Education Code Section 47605.6(b)(5)(I), which requires the State Board to adopt regulations to determine the manner in which financial audits for countywide charter schools shall be conducted.

References are made to *Education Code* sections 47632 and 47651. These statutes govern the funding of charter schools.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulation is necessary to fund and to determine the manner in which financial audits shall be conducted for countywide charter schools, which were established by Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002).

Specifically, this adds Section 11967.8 to Title 5 of the California Code of Regulations to provide technical clarity regarding the funding calculation and process for providing operational funding to countywide charter schools. This section addresses a similar issue as that addressed in Section 11967.7 above but for countywide, rather than statewide charters. However, in this case, the regulations apply an exiting statutory definition of “sponsoring local education agency” that is currently applied to other county-authorized charter schools.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of this regulation will not:

(1) create or eliminate jobs within California;
(2) create new businesses or eliminate existing businesses within California; or
(3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed amendments to the regulations do not have an affect on small businesses because they provide a process for a new type of charter school to obtain funding and therefore, have no effect on existing charter schools or small businesses. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Eileen Cubanski, Administrator
California Department of Education

Charter School Division
1430 N Street, Room 5401
Sacramento, CA 95814
E-mail: *ecubansk@cde.ca.gov*
Telephone: (916) 322-6029
FAX: (916) 322-1465

Requests for a copy of the proposed text of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulation as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed

through the California Department of Education's Web site at <*http://www.cde.ca.gov/regulations*>.

INITIAL STATEMENT OF REASONS

Section 11967.8. Funding for Countywide Charter Schools

SPECIFIC PURPOSE OF THE REGULATIONS

The proposed regulations will clarify existing law with regard to the funding process to be used for countywide charter schools, and will determine the manner in which financial audits for countywide charter schools shall be conducted.

NECESSITY/RATIONALE

Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002) amended the Charter School Act of 1992, and added *Education Code* Section 47605.6 that creates new responsibilities for county boards of education to review and approve charter schools of countywide interest that propose to operate on multiple sites within the county.

SECTION 11967.8

This section provides technical clarity regarding the funding calculation and process for providing operational funding to countywide charter schools and determines the manner in which financial audits for countywide charter schools shall be conducted.

Subsection (a). Countywide charter schools approved pursuant to *Education Code* Section 47605.6 do not have a clear statutory definition of a "sponsoring local educational agency (LEA)," nor is there a process by which to calculate the local tax share of the charter block grant. However, *Education Code* Section 47632(i)(4) does provide a clear definition of the sponsoring LEA for other types of county-authorized charters. Therefore, this subsection applies that definition of sponsoring LEA to countywide charters. In this case, the sponsoring LEA is the district of residence of the pupil. Because county offices already apply this definition for certain other county-authorized charter schools, absent any clear legislative direction, it is reasonable to apply this definition to charter schools approved by a county board of education pursuant *Education Code* Section 47605.6.

Subsection (b). This subsection establishes the role of the county office is establishing accounts for countywide charter schools and for countywide charter schools to access PERS and STRS. This subsection is consistent with current law and practice for other county-authorized charter schools.

Subsection (c). This subsection meets the requirement of *Education Code* Section 47605.6(b)(5)(I) that the State Board adopt regulations regarding audits of countywide charters. The subsection applies the same standard that is applicable to other charter schools in the state,

with an added provision of consideration of audits for each individual site of the multi-site countywide charter.

Subsection (d). This subsection would make this section operative for the entire 2002-03 fiscal year. This is necessary to ensure that there is an ability to fund countywide charter schools for all of the 2003-04 fiscal year even though the regulations will take effect in the middle of that year.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS.

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

The State Board was not presented with other viable alternatives to the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business because they provide a process for a new type of charter school to obtain funding and therefore, have no effect one existing charter schools or small businesses.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Add Section 11967.8 to read:

Section 11967.8 Funding for Countywide Charter Schools.

(a) For the purpose of funding charter schools approved pursuant to Education Code Section 47605.6, the following shall apply.

(1) The charter school shall be funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47630) and shall receive its funding directly.

(2) The "sponsoring local education agencies" as defined in Education Code Section 47632 means the pupils' school districts of residence.

(b) (1) The warrant for a charter school approved pursuant to Education Code Section 47605.6 shall be drawn in favor of the superintendent of schools of the county office of education that approved the charter. The county superintendent of schools is authorized to establish appropriate funds or accounts in the county treasury for each charter school.

(2) For charter schools approved pursuant to Education Code Section 47605.6, the county office of education may make arrangements for participation in State Teachers' Retirement System and/or Public Employees Retirement System as requested by the charter school. The county office may charge the charter school for the actual cost of services in accordance with Education Code Section 47611.3.

(c) For the purposes of Education Code Section 47605.6(b)(5)(I), a charter school approved by a county office of education pursuant to Education Code Section 47605.6 shall conduct its annual independent audit in keeping with Education Code Section 47605(b)(5)(I) and related regulatory provisions. The charter school shall indicate in its petition the manner in which the school's individual sites will be appropriately included in the audit process.

(d) This section shall apply for the entire 2003-04 fiscal year and each fiscal year thereafter.

Note: Authority cited: Sections 33031 and 47605(b)(5)(I), Education Code. Reference Sections 74632 and 47651, Education Code.

10/8/03

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **November 4, 2003**

From: **William J. Ellerbee, Jr., Deputy Superintendent**
School and District Operations Branch

Re: **ITEM 27**

Subject **FUNDING FOR COUNTYWIDE CHARTER SCHOOLS (ASSEMBLY BILL 1994): APPROVE COMMENCEMENT OF THE RULEMAKING PROCESS FOR AMENDMENTS TO TITLE 5**

Please add the following attachment, which provides the required analysis of the fiscal impact of the proposed regulations:

Attachment 4: Economic and Fiscal Impact Statement and Analysis (Pages 1-6)

STATE OF CALIFORNIA

ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (Rev. 2-98)

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Education	Don Killmer	323-2591
DESCRIPTIVE TITLE FROM *NOTICE REGISTER* OR FORM 400		NOTICE FILE NUMBER
Multisite Charters (version 10/08/03)		Z

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *(Include calculations and assumptions in the rulemaking record.)*

1. Check the appropriate box(es) below to indicate whether this regulation:

☐ a. Impacts businesses and/or employees

☐ b. Impacts small businesses

☐ c. Impacts jobs or occupations

☐ d. Impacts California competitiveness

☐ e. Imposes reporting requirements

☐ f. Imposes prescriptive instead of performance standards

☐ g. Impacts individuals

☐ h. None of the above *(Explain below. Complete the Fiscal Impact Statement as appropriate.)*

h. *(cont.)*_____

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted:_____ Describe the types of businesses *(Include nonprofits)*:_____

Enter the number or percentage of total businesses impacted that are small businesses:_____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain:_____

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional *(list areas):* _____

5. Enter the number of jobs created:_____ or eliminated:_____ Describe the types of jobs or occupations impacted:_____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly:_____

B. ESTIMATED COSTS *(Include calculations and assumptions in the rulemaking record.)*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $_____

a. Initial costs for a small business: $_____ Annual ongoing costs: $_____ Years: _____

b. Initial costs for a typical business: $_____ Annual ongoing costs: $_____ Years: _____

c. Initial costs for an individual: $_____ Annual ongoing costs: $_____ Years: _____

d. Describe other economic costs that may occur:_____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *(Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.):* $_____

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: $_____ and the number of units: _____

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $_____

C. ESTIMATED BENEFITS *(Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? $_____

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: $_____	Cost: $_____
Alternative 1:	Benefit: $_____	Cost: $_____
Alternative 2:	Benefit: $_____	Cost: $_____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☐ No

Explain: _____

E. MAJOR REGULATIONS *(Include calculations and assumptions in the rulemaking record.)*
Cal/EPA boards, offices and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million ? ☐ Yes No *(If No, skip the rest of this section)*

2. Briefly describe each equally as effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1:_____

   Alternative 2:_____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	$ _____	Cost-effectiveness ratio: _____
Alternative 1:	$ _____	Cost-effectiveness ratio: _____
Alternative 2:	$ _____	Cost-effectiveness ratio: _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *(Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years)*

☐ 1. Additional expenditures of approximately $_____in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in (Item_____,Budget Act of_____) or (Chapter_____,Statutes of_____

☐ b. will be requested in the_____Governor's Budget for appropriation in Budget Act of _____.
(FISCAL YEAR)

☐ 2. Additional expenditures of approximately $_____in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in_____

☐ b. implements the court mandate set forth by the_____

court in the case of_____vs._____

☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No._____at the_____ election;
(DATE)

☐ d. is issued only in response to a specific request from the _____

_____, which is/are the only local entity(s) affected;

☐ e. will be fully financed from the _____authorized by Section
(FEES, REVENUE, ETC.)

_____of the_____Code;

☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.

☐ 3. Savings of approximately $_____annually.

☑ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

☑ 1. Additional expenditures of approximately $ TBA in the current State Fiscal Year. It is anticipated that State agencies will:

☑ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $_____ in the current State Fiscal Year.

☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other. *** See Attached Analysis ***

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)*

☐ 1. Additional expenditures of approximately $_____ in the current State Fiscal Year.

☐ 2. Savings of approximately $_____ in the current State Fiscal Year.

☑ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

SIGNATURE		TITLE
✍	Original on File	Ed. Fiscal Services Consultant
AGENCY SECRETARY [1] APPROVAL/CONCURRENCE	✍ Deputy Superintendent	DATE
DEPARTMENT OF FINANCE [2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER ✍	DATE

1. *The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.*

Economic and Fiscal Impact Analysis
Proposed Amendments of Title 5, CCR, Regulations
Relating to Multisite Charter Schools

The Fiscal Policy Office has reviewed for economic and fiscal impact the proposed new (version 10/23/03) regulation Section 11967.8, of Subchapter 19, of Chapter 11, of Division 1, of Title 5, of the California Code of Regulations, relating to Multisite Charter Schools.

What would the proposed regulations do?
This section provides technical clarity regarding the funding calculation and process for providing operational funding to countywide charter schools and determines the manner in which financial audits for countywide charter schools shall be conducted. This regulation is being written as a result of the implementation Assembly Bill (AB) 1994 (Chapter 1058, Statutes of 2002) which amended the Charter School Act of 1992, and added *Education Code* Section 47605.6 that creates new responsibilities for county boards of education to review and approve charter schools of countywide interest that propose to operate on multiple sites within the county.

Do the proposed regulations impose a local cost mandate?
No. The proposed new or amended regulations do not create a new program or higher level of service in an existing program. The activities specified in the regulations are necessary in order to implement the statute and are consistent with the direction given in statute; therefore, any costs associated with the activities are attributable to the statute.

In addition, costs associated with the increased activities (specified in statute and clarified in these regulations) to be performed by the county offices or the local school districts are to be paid for in accordance with EC §47613, which states:

> EC §47613.
> (a) Except as set forth in subdivision (b), a chartering agency may charge for the actual costs of supervisorial oversight of a charter school not to exceed 1 percent of the revenue of the charter school.
> (b) A chartering agency may charge for the actual costs of supervisorial oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering agency.
> (c) A local agency that is given the responsibility for supervisorial oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the costs of supervisorial oversight, and administrative costs necessary to secure charter school funding, not to exceed 3 percent of the revenue of the charter school. A charter school that is charged for costs under this subdivision shall not be charged pursuant to subdivision (a) or (b).

(d) This section shall not prevent the charter school from separately purchasing administrative or other services from the chartering agency or any other source.
(e) For the purposes of this section, a chartering agency means a school district, county department of education, or the State Board of Education, that granted the charter to the charter school.

Further, any activities mandated of a charter school, by the regulations, would be required only of a charter school choosing to be chartered by the State Board of Education or providing instruction at multisites; thus these regulations do not impose a reimbursable mandate on a charter school.

Do the proposed regulations impose costs upon the state?
No. The proposed regulations do not impose any costs upon the state. The activities specified in the regulations are necessary in order to implement the statute; therefore, any costs associated with the activities are attributable to the statute.

Do the proposed regulations impact local business?
No. The proposed amendments to the regulations should have no impact on local business.

This analysis reflects the attached Economic and Fiscal Impact Statement.

Original on File

Donald E. Killmer, Consultant — Date
Fiscal and Administrative Services Division

Gerald C. Shelton, Director — Date
Fiscal and Administrative Services Division

Note: The purpose of the Department's review of regulations for Economic or Fiscal Impact is in part to, determine prior to the Department's submission of the Notice of Proposed Rulemaking to the Office of Administrative Law (OAL), if the regulations impose a mandate upon the locals and if so if there is a cost or savings. Additionally, the review may make a determination of what the cost or savings "may" be and if there is precedence in the determination of the potential costs through previous claims reimbursable through the mandate process authorized in state statute and set forth by the CSM.

If the Department determines that a potential mandate and an additional cost exists, the Department is required to forward that information (via the STD. 399 and this analysis) to the Department of Finance (DOF) for their review. The review by DOF does not need to be completed prior to the Department's submission of the Notice of Proposed Rulemaking to OAL but must be completed prior to the closing of the "Rulemaking Record" and prior to OAL forwarding of the "Record" to the Secretary of State. The DOF review contains an approval or disapproval; typically regulations that impose or could potentially impose an additional cost upon the state are disapproved and the department is required to amend the regulation to eliminate the cost or pull the "Record".

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 28

NOVEMBER 2003 AGENDA

SUBJECT		
Request by the Academy of Culture and Technology (ACT) to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education	X	**ACTION**
	X	**INFORMATION**
		PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) findings and recommendations are included in Attachment 1.

Summary of Previous State Board of Education Discussion and Action

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605 (j), as of January 1, 1999, a charter school that has been denied approval by a local chartering entity may petition the State Board of Education (SBE) to approve the charter. As of January 1, 2003, a charter school must be denied by both a local school district and county office of education before it may petition the SBE to approve the charter.

Previous requests: Since January 1999, the SBE has reviewed several charter petitions that have been denied at the local level and has to date approved seven such requests. At its December 2000 meeting, the SBE approved two charter schools: the Oakland Military Institute in Alameda County and the Ridgecrest Charter School in Kern County. These two charter schools opened at the beginning of the 2001-02 school year under oversight of the SBE. In July 2001, the SBE approved the renewal of the Edison Charter Academy in San Francisco, which had previously been denied renewal by the district. At its December 2001 meeting, the SBE approved the New West Charter Middle School and the Animo Inglewood Charter High School, both of which are located in Los Angeles County. In September 2002, the SBE approved the School of Arts and Enterprise, also located in Los Angeles County. Finally, in February 2003, the SBE approved the Knowledge is Power Program (KIPP) Summit Academy in Alameda County.

Oversight of Charter Schools by the SBE: At the request of the SBE, CDE staff presented an issue paper at its May 2000 meeting that outlined a comprehensive proposal for the review, approval, and oversight of previously denied charters. The issue paper proposed that the SBE adopt regulations that define a process for review of a charter petition that has been denied locally. Regulations were developed and approved by the SBE at its December 2001 meeting and are currently in use.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

Summary of Key Issue(s)

At its meeting in July 2002, the ACCS recommended that the SBE approve the ACT to become an SBE-chartered school, subject to a number of conditions. This recommendation came on a split vote (the State Superintendent's designee and CDE staff expressed many concerns with the proposed charter). The SBE then considered the appeal at its September 2002 meeting. The SBE encouraged the petitioners to revise the petition and submit it again to the Pomona Unified School District for consideration. In the event that the petition was not approved by February 2003, the SBE expressed its intent to approve the petition.

The petition to establish the charter school was denied again by the Pomona Unified School District on January 14, 2003. On January 21, 2003, CDE received the second request from the ACT petitioners to authorize the charter school proposed to be located in the City of Pomona in Los Angeles County.

The SBE heard this appeal for the second time at its March 2003 meeting. Only six members were present to hear the agenda item and there were insufficient votes to act on the petition. The petition was held over to the April 2003 meeting, at which time there were again insufficient votes to approve the petition. The President of the SBE directed that this petition come back before the SBE again only upon the wishes of the petitioners.

On September 15, 2003, ACT's lead petitioner requested that the petition be considered at the November 2003 meeting of the State Board. In addition to this request, the petitioners have submitted a table that states areas of concern previously expressed by the SBE and CDE, and a proposed timeline for addressing each concern. This document is included as Attachment 4. The petitioners have indicated that they may open the school in July 2005, rather than July 2004, as originally intended. The proposed timeline for addressing concerns assumes a July 2005, rather than 2004, opening date. If this petition is approved, we recommend that it be approved with the proposed conditions and dates reflected in Attachment I instead of with the petitioners' proposed timelines in Attachment 4.

Fiscal Analysis (as appropriate)

Please see Attachment 1

Attachment(s)

Attachment 1: State Board of Education Charter School Appeal Findings (Pages 1-13)
Attachment 2: Academy of Culture and Technology Charter Petition (Pages 1-168)
(This attachment not available on the Web)
Attachment 3: Further Elaboration on the Academy of Culture and Technology Charter School Petition in Response to SBE Staff Report and Additional Concerns of the State Board of Education (Pages1-6)
Attachment 4: Table of Concerns and Timeline for Resolution (Pages 1-2)
(This attachment not available on the Web)

State Board of Education
Charter School Appeal Findings

School Name: Academy of Culture and Technology	
Denying District: Pomona Unified School District	Date Denied: 1/14/03
County: Los Angeles	
Date Received by SBE: 1/21/03	

SUMMARY OF FINDINGS	Concerns*
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.	☒
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	☒
3. The petition does not contain the number of required signatures.	☐
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.	☐
5. The petition does not contain reasonably comprehensive descriptions of the required elements.	☒
*See detail regarding concerns on findings 1, 2 and 5 on the following pages.	

GENERAL COMMENTS AND AFFIRMATIONS	Included	
	Yes	No
Evidence of local governing board denial per *Education Code* (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)	☒	☐
Reason for denial included (5 CCR 1967(a)(2))	☒	☐
Full charter included (EC 47605(b)(5)).	☒	☐
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))	☐	☐
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))	☒	☐

FINDING #1	**Concerns**
The charter school presents an unsound educational program for pupils to be enrolled in the charter school. • Program presents the likelihood of physical, educational, or psychological harm; • Program is not likely to be of educational benefit to the pupils who attend.	

Comments: The petition still does not present a comprehensive, coherent educational program. The additional materials submitted as part of the petition appear to be taken from a variety of sources but there is no sense of how it all fits together as a whole. For example: (1) sample curriculums are included for one class each for the 6-8th grades. It is not clear where those samples came from or how they relate to state content standards; (2) course outlines for grades 9-12 are identified as those for a school called AES which is never identified or described; (3) course outlines do not appear to match courses identified on a sample schedule; (4) a one page Emotional Intelligence Curriculum with goals, objectives and measurement criteria is included in the petition; however it is not clear where this curriculum fits into the school day; and finally (5) a copy of the CDE Assessment of Career Education (ACE) test content summaries for various career technical areas is included. However, while the petition refers to various "Enterprise Learning"areas that will be emphasized, there is no description of a program or curriculum.

The petition now proposes to serve grades 6-10 in the first year, but there is no indication of a recognition that middle grades students might need differentiated instructional strategies, groupings, personal contact, etc. than the high school students.

The petition still has not adequately addressed how the school will address the needs of under achieving students. The material in the petition is essentially the same as was submitted for the Advisory Commission on Charter Schools (ACCS) and emphasizes specialized learning plans, tutorial services and computer software for those students. The problem this doesn't address is how a whole class of students that is not performing at grade level is going to successfully complete a UC preparatory curriculum.

Language on the ELL program now states that the school will follow an unspecified "highly successful immersion model" and will "strive to hire BCLAD teachers in all core academic areas."

The petition now contains what appears to be boilerplate language from a Memorandum of Understanding (MOU) with the East San Gabriel Valley SELPA regarding the provision of special education services. However, it is unclear whether the school has submitted a request to become an LEA in the SELPA or whether any further discussions have taken place since the last time this charter petition was before the SBE. The petition still contains a sample contract with a private service provider (Advanced Education Services/Solon Schools Group), which is skeletal and lacking in any detail. Further, the petitioners may be relying on a service provider that may not be qualified to provide all the services it advertises.

In conclusion, we cannot state that the petitioners present a sound program that is likely to be of educational benefit to students who may attend the school.

FINDING #2	**Concerns**

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful;
- Petitioners are unfamiliar with the contents of petition or requirements of law;
- Petitioners have presented an unrealistic financial and operational plan for the charter school;
- Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background.

Comments: The governance structure proposed by ACT is the same as originally proposed and therefore we have the same concerns as described in our first analysis of this petition. The concerns are that the Pomona Valley Center for Community Development (PVCCD) is a 501(c)(3) nonprofit organization with a seven-member board of directors. The ACT is a "project" of the PVCCD and will be governed by essentially the same governing board, with the addition of up to three parent representatives from the School Site Council. We believe this governance structure may result in potential conflicts of interest between the school and the PVCCD to the extent that the interests of the two entities diverge.

Informal conversations with the Executive Director of the PVCCD have indicated that the PVCCD is willing to establish the ACT to be a nonprofit 501(c)(3) and allow it to be granted the charter rather than the PVCCD. If this were to occur and the ACT had its own board of directors, that would help alleviate our concerns on the governance issue.

We continue to have the same concerns with the school business plan which continues to lead us to question the viability of the charter. The revised petition does not clearly indicate how duties and responsibilities will be divided between the Financial/Administrative Officer, the bookkeeper and the accountant. Further, it is not clear that staff responsible for business administration will have the necessary expertise in public school business practices.

The PVCCD has reduced its indirect cost/administrative charge from 10% to 3%. This is largely a shift of 7% going to support the after school program which the PVCCD will operate.

In addition, we continue to note the following concerns with the budget projections:

- The cash flow document was prepared on a quarterly rather than monthly basis, making it difficult to determine if the petitioners understand the timing of the receipt of various revenues and their relationship to the timing of expenditures.
- The budget contains the 1% fee for oversight by the charter-granting agency; however, the amounts budgeted for oversight do not equal 1% of revenues in any of the three years for which projections are provided.
- The budget indicates that the school will be funded for special education students at $510 per ADA. Since ACT is not in a SELPA at this time, it is difficult to determine if $510 per ADA is a realistic figure.

Finally, if the State Board approves this charter, we recommend, in addition to the standard conditions, that the Board require the additional conditions recommended by the ACCS at the time this petition was originally heard. Those conditions are: (1) as part of the presentation of the final charter, the PVCCD include a description of the services to be rendered by the PVCCD in exchange for a share of the school's revenues and (2) that the ACT present a line of credit in the amount of no less than $500,000 and present evidence that a grant in the amount of no less than $150,000 has been awarded by the National Council of La Raza or another source.

FINDING #3	
The petition does not contain the number of signatures required by law.	
Comments: No concerns	

FINDING #4	
The petition does not contain an affirmation of each of the following: • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate	
Comments: No concerns	

FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
The petition contains reasonably comprehensive descriptions of the following:		
(A) A description of the educational program, including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	☐	☒
Comments: We have concerns with the educational program as described in Finding 1 on page 2.		
(B) The measurable pupil outcomes	☐	☒
Comments: Measurable pupil outcomes for the school are a mix of very general outcomes (students "will attain competency in core knowledge subject matter") and specific outcomes (35% of its graduating classes will meet the minimum CSU/UC standards), but the petition does not provide detail about the desired level of performance for the general outcomes or a means to determine whether students are making satisfactory progress.		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	☐	☒

Comments: Student progress will be measured by a variety of assessments including results from the STAR program, regular subject exams, portfolios and a personal evaluation process. The petition states that the ACT governing board will conduct an annual review of student progress toward meeting achievement goals, the results of which will be included in an annual performance report. There does not seem to be a plan for collecting, analyzing, and using the data to monitor and improve the school's instructional program for individual students or groups of students.		
(D) Governance structure, including the process to ensure parental involvement	☐	☒
Comments: Concerns are discussed under Finding 2 on page 4. They center on the potential conflict of interest created by the governing board of the PVCCD being essentially the same board that governs ACT.		
(E) Qualifications to be met by those employed	☐	☒
Comment: Job descriptions for an elementary teacher, school director and janitor were included in the charter that were taken from another organization (AES). However, it is not clear whether these are the positions the school regards as key positions, nor is language included that states all requirements for employment set forth in applicable provisions of law will be met, as required by the regulations.		
(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	☒	☐
Comments:		
(G) The means by which the school will achieve racial and ethnic balance reflective of the district population	☒	☐
Comments:		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	☒	☐
Comments:		
(I) The manner in which an independent annual financial audit is to be conducted	☒	☐
Comments:		
(J) The procedures by which pupils can be suspended or expelled	☐	☒

Comments: The petition states that ACT will develop a comprehensive set of student discipline policies which will be distributed as part of the school's student handbook. A general process is outlined for those students found "breaking school behavior procedures." However, there is information on how detailed policies and procedures will be developed and periodically reviewed and modified.		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	☒	☐
Comments:		
(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	☒	☐
Comments:		
(M) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school (No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))	☒	☐
Comments:		
(N) Process for resolution of disputes with chartering entity	☐	☒
Comments: The charter contains language that limits the intervention by the SBE in disputes without first referring a complaint to the school's Director for resolution. This provision is contrary to the oversight agreement under which the school will operate which allows the SBE to intervene at its discretion if it believes its fundamental interests are at stake. We recommend that language which limits the SBE intervention be eliminated. Further, this section needs to be amended to incorporate language that describes how costs of the dispute resolution process, if any, would be funded; and acknowledges that because the SBE is not a local education agency, it may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter.		
(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA	☒	☐
Comments:		

(P) A description of the procedures to be used if the charter school closes	☐	☒
Comments: Although not required by law for petitions submitted before January 1, 2003, it is reasonable for the State Board to require such procedures if it approves this charter.		

Recommended Conditions of Operation for State Board Charter Appeals

Condition	Recommended	Not Recommended	Alternative Date
1. **Insurance Coverage**-not later than **June 1**, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.	☒	☐	June 1, 2005
2. **Oversight Agreement**-not later than **January 1**, either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.	☒	☐	Jan.3, 2005

Condition	Recommended	Not Recommended	Alternative Date
3. **SELPA Membership**-no later than **February 1**, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than **June 1**, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive director of the State Board of Education based primarily on the advice of the State Director of Special Education based on a review of either the school's written plan for membership in the SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district and the school, including any proposed contracts with service providers.	☒	☐	February 2, 2004 for application and June 1, 2005 for membership

Condition	Recommended	Not Recommended	Alternative Date
4. **Educational Program**-not later than **January 1**, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than **June 1**, submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.	☒	☐	September 1, 2004 for scope and sequence and March 1, 2005 for complete education program
5. **Student Attendance Accounting**-not later than **May 1**, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Fiscal Services Division.	☒	☐	May 2, 2005

Condition	Recommended	Not Recommended	Alternative Date
6. **Facilities Agreement**-not later than **January 1**, present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than **June 1**, present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.	☒	☐	June 2, 2005 for principal site and June 2, 2005 for ancillary sites
7. **Zoning and Occupancy**-not less than **30 days** prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
8. **Final Charter**-not later than **January 1**, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.	☒	☐	Jan 1, 2004
9. **Legal Issues**-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.	☒	☐	
10. **Processing of Employment Contributions**-prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).	☒	☐	
11. **Operational Date**-if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by **September 30**, approval of the charter is terminated.	☒	☐	September 30, 2005

Further Elaboration on the Academy of Culture and Technology Charter School Petition in Response to SBE Staff Report and Additional Concerns of the State Board of Education

I. School Curriculum and Educational Program:

> "*Successful schools find that developing the initial instructional program requires several years of trial and error and that instructional design is an ongoing process throughout the life of the school."*
>
> Eric Premack, The Charter School Development Guide

The Academy of Culture and Technology (ACT) has set forth a very ambitious educational program; this program is based upon the high aspirations that our community has for its children, which are not being met within our existing school system. This program is comprehensive: it provides a secure learning environment, extended school day/ year, before and after-school programs, and a summer learning program; there is a focus on multiple intelligence approaches to learning (experiential, applied learning, personal and social skills development, social and moral guidance, and critical thinking). Most importantly, ACT intends to provide a rigorous core curriculum through the use of highly qualified teachers that are able to inspire our youth to meet and surpass the standards set for their age/grade group.

In regards to curriculum, the California Department of Education Frameworks and Content Standards (as found in the following publications: *Mathematics Frameworks for California Public Schools* (2000), *Science Content Standards for California Public Schools* (1998), *Reading/Language Arts Framework for California Public Schools* (1999), *History-Social Science Framework for California Public Schools* (2001), *Visual and Performing Arts Content Standards for California Public Schools* (2001)), will provide the ACT with the core academic content and serve as the foundation of the school's instructional program.

The ACT curriculum will be delivered through:

I. Traditional classroom instruction, using SBE approved textbooks that are based upon the content standards.
II. Integration of project based, applied learning formats, that attempt to give students a practical, "hands-on" understanding of subject matter.

The integrated linkage of traditional lecture-based classroom instruction with an applied learning format will allow our teachers and staff the ability to develop performance based standards and assessments for our students: a great deal of assessment will be based upon the quality of student work done at ACT. We believe that when the content of knowledge is coupled with the experience of that content, that students are more apt to gain a mastery of the subjects being studied.

ACT will submit a completed school curriculum to the CDE within the time frame suggested by the CDE staff report and recommendations.

Central Focus of Our Educational Program: Components of Effective Pedagogy

Given the actual reality of students living within our neighborhood, we believe that our school can make substantial improvements in the academic performance of the middle-school students who enroll at ACT. For instance, our charter specifically states that ACT will create a 318% increase in students that are able to qualify for admissions into the California State University system, compared to the 11% of Pomona high school graduates that currently meet this requirement.

Re-structured School Environment- Such a statement is based upon our certainty that the ACT educational program will be an effective one. As mentioned previously, the ACT begins by substantially restructuring the environmental factors that inhibit learning in our schools: A relatively small school with small classroom size; extended school day/ year and a summer learning program. The program also relies on strong parent participation and integration with the learning goals of their children. As a 'community-driven' model, our strategic goal is to develop a dynamic partnership between parent, student and teacher, based upon trust and understanding of our mutual expectations. Here, again, we find a component sorely lacking in our schools: parents complain that there is little pro-active communication with them; teachers complain that they are too often serving the role of baby-sitter.

Teacher as Leader Inspiring Students- Finally, and most importantly, the ACT planning process has convinced us that a distinct type of teacher is attracted to our school design and is interested in being part of the ACT educational program: it is this type of teacher that will make our educational program a clear success. First of all, we expect our teachers to be well versed in their subject matter and fully certificated. (50% of teachers in south Pomona schools are there on emergency credentials.) Secondly, we are looking for teachers that demonstrate a real solidarity and empathy with the kind of students and parents that will be served by ACT. The school start-up period (please see "Next Phase...") will focus on placing these committed teachers into the centerpiece of the ACT educational program. Our teachers will possess al the tools to adequately evaluate and coach ACT students toward academic success.

The ACT places relationship building among teachers, and with students, as a key component to its educational program. With smaller classes and a smaller course loads (with longer course time-blocks) than traditional schools, the ACT school structure provides the initial context for the role teachers will play. The school structure will provide teachers with regular time-slots for collaborative planning and evaluation sessions among themselves, along with on-going professional development and support.

Such a structure allows our teachers to focus on developing long-term relationships and individualized teaching strategies, which we believe will be key to our students' academic success. We want our teachers to be able to personalize education— to make a real connection with our students. We want the role of the teacher at ACT to be that of a mentor, teambuilder and leader, one that is capable of inspiring ACT students to higher achievement.

By empowering ACT teachers to be the centerpiece of the educational program, teachers will be able to establish realistic standards for our students, deal with the issues and needs of diverse learners and have a much better understanding of how to influence the learning process of the ACT student population.

What Is Effective Pedagogy? ACT plans to offer a re-structured school environment, a rich and interesting curriculum that is intended to challenge and inspire students, presented by dedicated teachers who have the resources and support to do their jobs well. However, within a context such as is found in south Pomona, the ACT is well aware that there are substantial obstacles to overcome. A large part of our student body comes to us with inadequate preparation due to the problems that plague our schools— and the students' own families. For instance, one key focus in the start-up years, by default, must be the remediation of student deficiencies: insuring that students have the essential ability to read, write and compute, which are the primary tools required in order to enjoy the fruits of an advanced academic program. In fact, the 6th, 7th and 8th grade concentration must focus on getting ACT students prepared to succeed in a college preparatory program. But this in itself does not restrict the scope of the ACT educational program; even students with learning deficiencies can—and will – greatly benefit from participation in a challenging academic environment.

This is why there are two key pedagogical questions that the ACT educational program will address over the subsequent years: How do <u>our</u> students best learn? and, How do we engage our students' minds? Clearly, there is no 'one shoe that fits all' within education. As stated in our charter petition:

> *The ACT believes in a 'customer service approach' to education. As described, each student will undergo an initial testing and evaluation process to set individual learning plan goals. Within this context, each student will have the opportunity for special one-on-one assistance from teachers and tutors to build on their academic strengths and remedy areas of weak performance.*

Answering the question of how students best learn will be a major exploratory endeavor for The ACT; it will require that the school itself be a flexible, learning organization (ability to change and to grow). The schools initial focus will be on gaining clearer understanding about out students' individual learning styles, being able to adequately assessment their capacities in order to set realizable standards. Our organization and teachers have to develop the capacity to provide multiple instructional strategies, with a concentrated focus on remediation and basic skills attainment. ACT

has established general parameters to approaching the question of how our students best learn, and this will be primary focus of our school partners and teachers in start-up period work at ACT.

Which leads us to our final question: how do we engage and inspire our students to learn? One thing that is very apparent when we assess our youths' educational environment: we need to establish a fundamental form of communication with our future students that currently does not exist within our local educational environment. Once again, this question enunciates the role that we will need our teachers to fulfill. The role requires that our teachers become effective investigators in order to discover methods that will inspire their students to achieve. They will have to be able to delve into the student's psyche in order to create an enthusiasm for learning. The ACT is committed to helping its teachers in this endeavor.

Over time, we envision the ACT being transformed into a dynamic community of learners, where students are self-paced and self-motivated, inspired by their teachers who fill a principal role of team leaders and co-learners in the discovery and appropriation of knowledge.

Next Phase of Educational Program Development:

Chronology ; Project Partners Assisting in Pre-Startup Period.

We quote Mr. Premack above to emphasize that the ACT recognizes there is enormous work that is still required and costs to be incurred before our school is ready to open. We shall be assisted in the next phase by our school start-up partners, Solon Schools/ Advanced Educational Services, and the National Council for La Raza's Center for Educational Excellence.

Solon Schools/ Advanced Educational Services has its own CDE standards based curriculum that is used at various schools run by the non-profit organization. They also have extensive experience providing local school districts throughout California with a comprehensive offering of special education services. A principal reason for choosing Solon Schools is their extensive background in delivering educational programs to under-achieving student populations. With our own area schools' scoring in the bottom-decile of state assessments, Solon will assist the ACT in further structuring our educational program, and provide direct teacher training, in order to effectively adapt to the diverse learning needs of our students. They provide the expertise in school structuring and teacher training to insure that each student is adequately assessed and provided with an individualized learning plan that will create significant improvements in every one of our student's performance levels.

The NCLR's Center for Educational Excellence is primarily focused on extensive teacher and administrator training seminars that are held on a semi-annual basis in

Washington, D.C. In addition, the NCLR provides additional teacher training opportunities through a collaborative agreement with the School Re-Design Network at Stanford University. The ACT intends to send each one of its first year teachers to one of these programs during the school's first summer session in 2004, which precedes the school's first academic year that starts in September of 2004. Both organizations will assist our teachers in becoming more proficient at addressing and assessing the needs of our students and creating more effective learning processes.

There are two important factors that stand out within our school start-up plans: using the summer school period in 2004 as a "ramp-up" period for our program; and, the central and re-defined role that ACT teachers will be expected to fulfill in developing our educational program.

The six-week summer school program is an essential component to the ACT start up plan, for here teachers and staff will be able to concentrate on engaging ACT students, establishing a familiarity with students' learning strengths and deficiencies, conduct thorough assessments of students, and begin to explore collective and individual strategies for moving students toward specifically defined academic goals.

Each teachers will spend half of the summer program working with one class of students (about 20 students), engaging the students in course work intended to remediate areas of academic deficiency, while also providing the teacher with an introduction to those students learning styles, interests and goals, which will be essential in determining evolving teaching strategies. Each teacher will also attend a one-week training session, either at the NCLR's Center for Educational Excellence, or Stanford University's School Re-Design Network. These training sessions will facilitate the work that our teachers will participate in during the remaining portion of the summer school term. That work falls within the area of curriculum development--specifically creating an applied learning, project based format that complements the classroom-lecture format –creation of effective learning strategies for students, setting realistic standards for student learning, and becoming more adept at assessing the performance of individual students. This work will be conducted on the school site under the auspices of the Solon Schools Group, whose mission at our school regarding our faculty is to empower teachers in order that they may lead students toward academic proficiency.

II. Question of Governance and the Possible Conflict of Interest

Establishment of a New Non-profit organization to Govern School

The charter school-sponsoring agency, the Pomona Valley Center for Community Development, will help to establish a separate non-profit, independent entity to solely manage and govern the charter school. Initial governing members will comprise a cross-section of the community and include 3 parents of students attending the ACT. Incorporation of the new non-profit agency will be in place by January 1, 2004.

III. (Elemnet N) Process for Resolution Disputes with Chartering Entity

The ACT will accept and include in its charter document, language that is acceptable to the SBE regarding oversight and intervention in cases of disputes with the school.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 29

NOVEMBER 2003 AGENDA

SUBJECT		
Request by the Leadership Public School – San Rafael (LPSSR) to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education	X	ACTION
	X	INFORMATION
	X	PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) will provide a complete analysis to the State Board of Education (SBE) at the November meeting.

Summary of Previous State Board of Education Discussion and Action

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605 (j), as of January 1, 1999, a charter school that has been denied approval by a local chartering entity may petition the SBE to approve the charter. As of January 1, 2003, a charter school must be denied by both a local school district and county office of education before it may petition the SBE to approve the charter.

Previous requests: Since January 1999, the SBE has reviewed several charter petitions that have been denied at the local level and has to date approved seven such requests. At its December 2000 meeting, the SBE approved two charter schools: the Oakland Military Institute in Alameda County and the Ridgecrest Charter School in Kern County. These two charter schools opened at the beginning of the 2001-02 school year under oversight of the SBE. In July 2001, the SBE approved the renewal of the Edison Charter Academy in San Francisco, which had previously been denied renewal by the district. At its December 2001 meeting, the SBE approved the New West Charter Middle School and the Animo Inglewood Charter High School, both of which are located in Los Angeles County. In September 2002, the SBE approved the School of Arts and Enterprise, also located in Los Angeles County. Finally, in February 2003, the SBE approved the Knowledge is Power Program (KIPP) Summit Academy in Alameda County.

Oversight of Charter Schools by the SBE: At the request of the SBE, CDE staff presented an issue paper at its May 2000 meeting that outlined a comprehensive proposal for the review, approval, and oversight of previously denied charters. The issue paper proposed that the SBE adopt regulations that define a process for review of a charter petition that has been denied locally. Regulations were developed and approved by the SBE at its December 2001 meeting and are currently in use.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

Summary of Key Issue(s)

Summary of Key Issue(s)

On October 6, 2003, the CDE received a request from the petitioners of the Leadership Public Schools – San Rafael to authorize a charter school proposed to be located in the city of San Rafael in Marin County. The petition to establish the charter school was denied by the San Rafael City School District on August 11, 2003. The petition was submitted to the Marin County Office of Education on August 12, 2003. The Marin County Office of Education is expected to act on the petition at its October 14, 2003, meeting. In the event that the appeal is denied by the county office, the ACCS will review this petition and hear testimony from the petitioners at its October 16, 2003, meeting, at which time the ACCS is expected to make a recommendation on this petition.

This item will provide for a public hearing on this charter proposal. According to *Education Code* Section 47605(b), at the public hearing, the SBE "shall consider the level of support for the petition by teachers employed by the district, other employees of the district and parents."

Fiscal Analysis (as appropriate)

Information will be provided as necessary at the November meeting.

Attachment(s)

Attachment 1: Leadership Public Schools – San Rafael Charter Petition (Pages 1-226)
(This attachment not available on the Web)

The CDE will provide a complete analysis at the November meeting.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/5/03**

From: **William J. Ellerbee, Jr., Deputy Superintendent**
School and District Operations Branch

Re: **ITEM # 29**

Subject **REQUEST BY THE LEADERSHIP PUBLIC SCHOOLS - SAN RAFAEL TO APPROVE A PETITION TO BECOME A CHARTER SCHOOL UNDER THE OVERSIGHT OF THE STATE BOARD OF EDUCATION**

On October 6, 2003, the CDE received a request from the petitioners of the Leadership Public Schools-San Rafael (LPSSR) to authorize a charter school proposed to be located in the city of San Rafael in Marin County. The petition to establish the charter school was denied by the San Rafael City School District on August 11, 2003. The petition was submitted to the Marin County Office of Education on August 12, 2003. The Marin County Office of Education denied the petition on October 14, 2003.

The Advisory Commission on Charter Schools (ACCS) considered the LPSSR petition at its October 16, 2003 meeting at which time the Commission voted unanimously to recommend to the State Board that it approve the petition subject to the conditions of operation recommended by CDE staff. At the time of the ACCS meeting, CDE staff had not had an opportunity to review the petition in great detail. We have now completed the review. The CDE analysis and recommended conditions are included as Attachment 1.

If the charter is not approved and numbered by the State Board at the November meeting, the petitioners will forfeit the $400,000 federal implementation grant they have been awarded, although they would be eligible to reapply and compete again for an implementation grant if chartered at a subsequent time.

The charter petition, if approved by the State Board, should be assigned charter #609 if the charter petition in Item 28 on the November agenda is approved. If the petition in Item 28 is not approved, the LPSSR petition should be assigned charter #608.

Attachment 1: State Board of Education Charter School Appeal Findings (Pages 1-12)

State Board of Education
Charter School Appeal Findings

School Name: **Leadership Public Schools- San Rafael**	
Denying District: **San Rafael City Schools**	Date Denied: **8/11/03**
Denying County: **Marin**	Date Denied: **10/14/03**
Date Received by SBE: **10/6/03**	

SUMMARY OF FINDINGS	Concerns*
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.	☒
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	☒
3. The petition does not contain the number of required signatures.	☐
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.	☐
5. The petition does not contain reasonably comprehensive descriptions of the required elements.	☒
*See detail regarding concerns on findings 1, 2, and 5 on the following pages.	

GENERAL COMMENTS AND AFFIRMATIONS	Included	
	Yes	No
Evidence of local governing board denial per *Education Code* (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)	☒	☐
Reason for denial included (5 CCR 1967(a)(2))	☒	☐
Full charter included (EC 47605(b)(5)).	☒	☐
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))	☒	☐

Written verfication of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641© and (d))	☐	☒
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))	☒	☐

FINDING #1	**Concerns**
The charter school presents an unsound educational program for pupils to be enrolled in the charter school. • Program presents the likelihood of physical, educational, or psychological harm; • Program is not likely to be of educational benefit to the pupils who attend.	
Comments: The LPSSR petition contains a great deal of information about the general educational program proposed for the school. However, CDE staff has identified the description of the special education program as a particular weakness in this petition: The petition fails to specify a special education plan that describes a process for the identification of students who may qualify for special education services. Nor does the petition indicate that LPSSR has a clear and complete understanding of its responsibilities under law with respect to special education students. The application includes vague statements that it "agrees to work with the California State Board of Education to ensure that students with exceptional needs are served." Further, the petition contains no description of how the school will assess and serve students who are determined eligible for special education services. The petition indicates that the school intends to function as a public school within the San Rafael City High School District. However, the petition also states that LPSSR may hire its own special education staff and obtain reimbursement for its special education positions from the CDE, which indicates an incomplete understanding of how special education funding is provided through the SELPAs. Further, there is no statement in the petition that the school intends to offer a continuum of service options. The petition indicates that LPSSR has "…already begun conversations with the SELPA although most details need to still be worked out. We agree to condition the commencement of instruction in our charter school on participation in the SELPA". CDE staff has had conversations with the Marin County SELPA Director who has indicated that the petitioners have not, to date, met with the SELPA regarding SELPA policies and application procedures. Further, as mentioned previously, the school states that it intends to function as a school within the district for special education purposes. However, it is unclear as to whether the denying school district (San Rafael City Schools) would be willing to enter into an MOU with the school that would essentially treat LPSSR as a school within the district for purposes of providing special education services. The petition also contains inappropriate and technically incorrect references to CDE and SBE regarding the implementation of the special education program (pages 24-25), which need to be corrected if the petition is approved.	

FINDING #2	**Concerns**

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful;
- Petitioners are unfamiliar with the contents of petition or requirements of law;
- Petitioners have presented an unrealistic financial and operational plan for the charter school;
- Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background.

Comments: The petition includes a budget, cash flow projections and an operations plan that seems substantially complete and realistic. In addition, the petitioners have a track record of opening other successful charter schools. There are a few areas in which CDE staff have identified concerns:

Facilities: LPSSR has not identified or secured a facility for the school but has identified criteria for site selection and some possible alternatives for its facilities. The petition notes that: "Once a site is secured, LPSSR will provide a projected cost of the facility to SBE/CDE." Further, LPSSR will notify parents of the facility site within 60 days of the commencement of classes**.** Petitioners also indicate they may request Proposition 39 facilities from the San Rafael City School District. However, the district must provide the school with a final facilities proposal by April 1, 2004, which does not leave much time for the school to find alternative facilities for a fall 2004 opening, should the district proposal prove unsatisfactory.

Governance: The governing board of LPS is the same board that will govern the school. LPS is a non-profit corporation and the school is essentially a "project" of the corporation. The principal of the school reports to the LPS governing board. This structure makes it difficult to determine which entity has ultimate authority for the school's operations. The petitioners have indicated verbally that LPS has ultimate responsibility for the school. However, the petition does not clearly differentiate responsibilities of the corporate governing board and the school. At a minimum, we would recommend the charter more clearly identify the roles and responsibilities of each entity.

Beginning Year of Operation: The petition is unclear whether the school intends to open in 2004 or 2005. The petitioners have indicated verbally they would like to open in 2004, but would like to reserve the option of opening in 2005. In the CDE recommended conditions of operation, we have recommended due dates for meeting the conditions that assume a fall 2004 opening date for the school. If the petitioners later decide to open in 2005, CDE would bring this matter back before the State Board with new recommended dates for meeting the conditions.

FINDING #3	**No Concerns**
The petition does not contain the number of signatures required by law.	
Comments:	

FINDING #4	**No Concerns**
The petition does not contain an affirmation of each of the following: • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate	
Comments:	

FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
The petition contains reasonably comprehensive descriptions of the following:		
(A) A description of the educational program, including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	☒	☐
Comments: None		
(B) The measurable pupil outcomes	☒	☐
Comments: None		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	☒	☐
Comments: None		
(D) Governance structure, including the process to ensure parental involvement	☐	☒
Comments: See comments under Finding #2		

(E) Qualifications to be met by those employed	☒	☐
Comment: None		
(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	☐	☒
Comments: Petition states that employees not possessing a California Teaching Credential will be fingerprinted for purposes of the criminal record summary. We recommend all employees be fingerprinted.		
(G) The means by which the school will achieve racial and ethnic balance reflective of the district population	☒	☐
Comments: None		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	☒	☐
Comments: None		
(I) The manner in which an independent annual financial audit is to be conducted	☐	☒
Comments: The petition does not indicate that the auditor will have education finance experience, nor does it specify a timeline for resolution of audit findings/exceptions. The petition indicates that a copy of the audit will be provided to the SBE. A copy of the audit must be forwarded to CDE, the State Controller, and the Marin County Office of Education.		
(J) The procedures by which pupils can be suspended or expelled	☒	☐
Comments: None		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	☒	☐
Comments: We note that the school intends to use CASA for its retirement program instead of PERS/STRS. This is the same organization that is being audited by the Sacramento City Unified School District for possible violations of law regarding the provision of excessive retirement benefits.		

(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	☒	☐
Comments: None		
(M) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school (No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))	☐	☒
Comments: If approved, the petition needs to be amended to include the standard language from the Criteria for the Review and Approval of Charter School Petitions related to this element.		
(N) Process for resolution of disputes with chartering entity	☐	☒
Comments: If approved, the petition needs to be amended to include the standard language from the Criteria for the Review and Approval of Charter School Petitions related to this element.		
(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA	☒	☐
Comments: Leadership Public Schools rather than the school will be the exclusive public employer.		
(P) A description of the procedures to be used if the charter school closes	☐	☒
Comments: The petition contains inappropriate references to the SBE such that the closeout procedures do not make sense with the SBE as the chartering entity.		

Recommended Conditions of Operation for State Board Charter Appeals

Condition	Recommended	Not Recommended	Alternative Date
1. **Insurance Coverage**- not later than **June 1, 2004,** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.	☒	☐	
2. **Oversight Agreement**-not later than **January 1, 2004**, either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
3. **SELPA Membership**- no later than **February 2, 2004,** submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than **June 1, 2004**, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive director of the State Board of Education based primarily on the advice of the State Director of Special Education based on a review of either the school's written plan for membership in the SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district and the school, including any proposed contracts with service providers.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
4. **Educational Program-** not later than **January 1, 2004,** submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than **June 1**, **2004,**submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the school. Approval of this condition shall be determined by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
5. **Student Attendance Accounting-** not later than **May 3, 2004**, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Fiscal Services Division.	☒	☐	
6. **Facilities Agreement**-not later than **January 1**, present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than **June 1**, present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.	☒	☐	**May 3, 2004** for lease for principal site**, June 1, 2004** for ancillary site agreements
7. **Zoning and Occupancy**-not less than **30 days** prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.	☒	☐	

Condition	Recommended	Not Recommended	Alternative Date
8. **Final Charter**- not later than **January 1**, **2004**, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.	☒	☐	
9. **Legal Issues**-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.	☒	☐	
10. **Processing of Employment Contributions**-prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).	☒	☐	
11. **Operational Date**- if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by **September 30, 2005**, approval of the charter is terminated.	☒	☐	

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 30

NOVEMBER 2003 AGENDA

SUBJECT		
Request by The Global School to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education	X	ACTION
	X	INFORMATION
	X	PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) will provide a complete analysis to the State Board of Education (SBE) at the November meeting.

Summary of Previous State Board of Education Discussion and Action

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605 (j), as of January 1, 1999, a charter school that has been denied approval by a local chartering entity may petition the SBE to approve the charter. As of January 1, 2003, a charter school must be denied by both a local school district and county office of education before it may petition the SBE to approve the charter.

Previous requests: Since January 1999, the SBE has reviewed several charter petitions that have been denied at the local level and has to date approved seven such requests. At its December 2000 meeting, the SBE approved two charter schools: the Oakland Military Institute in Alameda County and the Ridgecrest Charter School in Kern County. These two charter schools opened at the beginning of the 2001-02 school year under oversight of the SBE. In July 2001, the SBE approved the renewal of the Edison Charter Academy in San Francisco, which had previously been denied renewal by the district. At its December 2001 meeting, the SBE approved the New West Charter Middle School and the Animo Inglewood Charter High School, both of which are located in Los Angeles County. In September 2002, the SBE approved the School of Arts and Enterprise, also located in Los Angeles County. Finally, in February 2003, the SBE approved the Knowledge is Power Program (KIPP) Summit Academy in Alameda County.

Oversight of Charter Schools by the SBE: At the request of the SBE, CDE staff presented an issue paper at its May 2000 meeting that outlined a comprehensive proposal for the review, approval, and oversight of previously denied charters. The issue paper proposed that the SBE adopt regulations that define a process for review of a charter petition that has been denied locally. Regulations were developed and approved by the SBE at its December 2001 meeting and are currently in use.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

Summary of Key Issue(s)

Summary of Key Issue(s)

On August 19, 2003, the CDE received a request from the petitioners of The Global School to authorize a charter school proposed to be located in the city of Oakland in Alameda County. The petition to establish the charter school was denied by the Oakland Unified School District on May 15, 2003. The petition was then submitted to the Alameda County Board of Education and denied by the governing board on August 12, 2003. The ACCS will review this petition and hear testimony from the petitioners at its October 16, 2003, meeting, at which time the ACCS is expected to make a recommendation on this petition.

This item will provide for a public hearing on this charter proposal. According to *Education Code* Section 47605(b), at the public hearing, the SBE "shall consider the level of support for the petition by teachers employed by the district, other employees of the district and parents."

Fiscal Analysis (as appropriate)

Information will be provided as necessary at the November meeting.

Attachment(s)

Attachment 1: The Global School Charter Petition (Pages 1-82)
(This attachment not available on the Web)

The CDE will provide a complete analysis at the November meeting.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 31

NOVEMBER 2003 AGENDA

SUBJECT		
Legislative Update: Including, but not limited to, information on legislation and legislative priorities.	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

During the Legislative Recess we are working with State Board and Legislative staff to refine proposals for the upcoming year. We anticipate presenting to you some core principals for your consideration to guide us in representing the board once the legislative year begins, as the Board deems necessary.

Summary of Previous State Board of Education Discussion and Action

Governor Davis signed the attached bills which were presented to you in a prior memorandum. It is presented in the context of the Board's previously discussed core priorities.

Summary of Key Issue(s)

N/A

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachment 1: September 2003 Legislative Liaison Policy Recommendations (Page 1-1)

Attachment 2: State Board legislative update memorandum of bills recently signed by the Governor and a brief summary of the legislative measures (Page 1-5)

September 2003 Legislative Liaison Policy Recommendations:

1) Preserve the existing assessment system (including STAR, CAHSEE, CELDT).

2) Maintain the accountability system making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.

3) Encourage more submissions of instructional materials by publishers that will meet California's rigorous requirements.

4) Safeguard the academic content standards as the foundation of California's K-12 educational system.

DATE: October 22, 2003

TO: Members, California State Board of Education

FROM: B. Teri Burns, Deputy Superintendent, CDE Government Affairs

SUBJECT: Legislative Update on bills recently signed by the Governor and chaptered by the Secretary of State. For your information only.

---

1) Preserve the existing assessment system (including STAR, CAHSEE, CELDT).

None

2) Maintain the accountability system making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.

AB 1485 (Firebaugh) This bill makes modifications to the Reading First Program pertaining to English learners and existing law regarding primary language assessment. Reading First, a competitive grant for early intervention reading program was established as part of the No Child Left Behind Act (NCLB) under Title I. Specifically, the bill:

- Requires the Reading First Grants be provided to Proposition 227 waivered classrooms (bilingual programs) if the classrooms use the adopted alternative formats (currently Open Court or Houghton/Mifflin have alternative formats in Spanish).

- Restricts the increase in federal funding (approximately $13 million) from being distributed prior to revising (and obtaining federal approval) a revised State Reading First Plan.

- Requires professional development tailored to the Spanish adopted alternate format materials for teachers in Proposition 227 waivered classrooms.

- Requires the Board to determine if there is a sufficient need to have other alternative formats of the adopted programs in other languages.

- Continues the STAR testing at the funding level provided in the Budget and requires the

STAR Program to be administered to pupils in grades 3 and 8, and the standards-aligned achievement test to be administered to pupils in grades 2 to 11 beginning on July 1, 2004.

3) Encourage more submissions of instructional materials by publishers that will meet California's rigorous requirements.

SB 1058 (Torlakson) Requires publishers and manufacturers with the ability to submit basic instructional materials for evaluation and consideration by the state board to pay a fee during the follow-up adoption. The fee is based upon the number of programs the publisher or manufacturer indicates will be submitted for review and the number of grade levels proposed to be covered by each program.

- No follow-up adoptions have occurred since 1997. In 2004, without funding to cover costs of reviewing materials, there will not be the scheduled follow-up adoptions in mathematics and reading/language arts.

- Publishers/manufacturers will be able to submit basic instructional materials in language arts, mathematics, science, history-social science, and any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

- Ensures that the fee is not substantial as to prevent small publishers or manufacturers from participating in a follow-up adoption by authorizing the State Board of Education to reduce the fee for participation in the follow-up adoption.

4) Safe guard the academic content standards as the foundation of California's k-12 educational system.

SB 5 (Karnette) Requires the State Board of Education to adopt content standards, pursuant to recommendations developed by the Superintendent of Public Instruction, for teaching foreign languages in kindergarten and grades 1 to 12 by June 1, 2009. Specifically, this bill:

- Requires that the content standards support the goal of providing programs of instruction in languages other than English as early as feasible by including all of the following:

  A) A summary of the language goals which recognizes school. B) A description of individual language skills that should be taught and attained at each level. C) Course content that is aligned with findings from research on second language acquisition and education. D) Course content that is aligned with the admission requirements for the California State University and the University of California.

- States that the content standards may be used by school districts to develop language programs and course assessments, but are not mandatory.

AB 1548 Pavley Establishes the Office of Education and the Environment (OEE) within the California Environmental Protection Agency and requires it to develop environmental education principles and a model curriculum. Specifically, it:

- Requires the OEE, in cooperation with the CDE, State Board of Education (SBE) and Secretary for Education, to develop and implement a unified education strategy on the environment to do all of the following: a) Coordinate instructional resources and strategies for providing student participation with onsite conservation efforts. b) Promote service-learning opportunities. c) Assess the impact on students of the unified education strategy on student achievement and resource conservation. d) By June 30, 2006, report to the Legislature and Governor on its progress on implementing the unified education strategy.

- Requires the CDE, SBE, and Secretary for Education, in cooperation with the Board, to develop and implement a teacher training and implementation plan to guide the implementation of the unified education strategy.

- Requires the IWMB, SDE, SBE, and Secretary for Education to develop education principles for the environment for elementary and secondary school students by July 1, 2004. The principles may be updated every four years thereafter. The principles shall be aligned to the academic content standards adopted by the State Board of Education pursuant to Section 60605 of the Education Code. The principles shall be used for the following: a) To direct state agencies that include environmental education in regulatory decisions, or enforcement actions. b) To align state agency environmental education programs and materials.

- The principles shall be aligned to the applicable academic content standards adopted State Board of Education and shall not duplicate or conflict with any academic content standards.

- Requires that the education principles be incorporated in criteria developed for textbook adoption.

- Requires that, if the state adopted content standards are revised, the education principles for the environment be appropriately considered for inclusion as part of the revised academic content standards.

- Requires the OEE to develop, in consultation with various agencies, a model environmental curriculum which incorporates these education principles for the environment, and submit the curriculum to the Curriculum Development and

Supplemental Materials Commission for review and approval by July 1, 2005 to the Secretary for Environmental Protection and to the Secretary for the Resources Agency.

- Upon review and approval by the Secretary of the Environmental Protection Agency and the Secretary of the Resources Agency for review and comment no later than January 1, 2006. The curriculum is then to be sent to the State Board of Education (SBE) for its approval.

- Requires that the model curriculum be made available to elementary and secondary schools students as soon as funding is provided to do so. Requires the CDE to make the curriculum available electronically.

- Requires the CDE to encourage the development and use of instructional materials and active pupil participation in campus and community environmental education programs.

5) Charter Schools

Assembly Bill 1137 (Reyes) Responds to issues raised by the State Auditor in its 2002 review of charter schools. The legislative intent is to further the purpose of the Charter Schools Act of 1992 to a performance-based accountability system. Specifically, this measure:

- Requires specific oversight requirements by charter authorizers (most of which CDE already does for SBE-approved charter schools).

- States that a charter authorizer is not liable if it provides the oversight specified in the measure.

- Requires charter schools to provide specified periodic financial reports to the COE and the chartering entity.

- Establishes new specific performance benchmarks for charter school renewals. Commencing January 1, 2005, or once a charter school has operated for four years, a charter school must meet one of several specified academic performance measures to be renewed. The SSPI is responsible for reviewing all charter school renewals to confirm that each met its API targets. If a charter school is denied renewal by its charter entity, it can appeal to the county office of education and, if not successful, appeal to the SBE.

- Makes changes to the charter school categorical block grant by including funding for instructional materials and staff development programs in the calculation of the block grant.

- Removes the July 1, 2004, sunset on the continuous appropriation for the charter school block grant.

- Caps the amount of oversight costs a charter authorizer may collect to one percent of the charter school's general purpose entitlement and categorical block grant funding. This bill may result in un-funded mandates on charter schools, school districts and county offices of education to perform the reporting and oversight required in this bill. It may also require additional staff resources at CDE to review charter renewals at the state level and to evaluate the academic performance of non-classroom based charter schools. Program staff estimates that approximately $75,000, or 50 percent, will be reduced from the SBE's available oversight revenues for overseeing seven charter schools.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 32

NOVEMBER 2003 AGENDA

SUBJECT	X	ACTION
Assignment of Numbers for Charter School Petitions		INFORMATION
		PUBLIC HEARING

Recommendation:

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

Summary of Previous State Board of Education Discussion and Action

The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff is presenting this routine request for a charter number as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 597 charter schools, including seven approved by the SBE after denial by the local agencies. Of these 597 schools, approximately 475 are estimated to be operating in the 2003-2004 school year. In addition, the SBE has approved eight all-charter school districts containing a total of 15 charter schools.

Summary of Key Issue(s)

The law allows for the establishment of charter schools. A charter school typically is approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the contents of its charter, but is otherwise exempt from most other laws governing school districts.

Education Code Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state is within the cap on the total number of charter schools authorized to operate. As of July 1, 2003, the number of charter schools that may be authorized to operate in the state is 750. This cap may not be waived. This item will assign numbers to four more charter schools. Copies of the charter petitions are on file in the Charter Schools Division.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachment 1: Assignment of Numbers for Charter School Petitions (Page 1-1)

November 2003 State Board of Education Meeting

Assignment of Numbers for Charter School Petitions

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
598	Sacramento Aspire Public School	Sacramento	Sacramento City USD	Elise Darwish 3 Twin Dolphin Dr. Redwood City, CA 94065 (650) 637-2060
599	City Arts and Technology High School	San Francisco	San Francisco USD	Daniel McLaughlin PO Box 29225 San Francisco, CA 94129 (415) 561-2907
600	Milagro Charter School	Los Angeles	Los Angeles USD	Refugio Rodriguez 3838 Eagle Rock Blvd. Los Angeles, CA 90065 (323) 254-4427
601	New Designs Charter School	Los Angeles	Los Angeles USD	Yaw Audtwum 1000 E. Victoria St., Carson, CA 90747 (310) 243-3732

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **October 31, 2003**

From: **William J. Ellerbee, Jr., Deputy Superintendent**
School and Distict Operations Branch

Re: **ITEM 32**

Subject **ASSIGNMENT OF NUMBERS FOR CHARTER SCHOOL PETITIONS**

California Department of Education staff recommends that the State Board of Education assign numbers to the charter schools identified on the attached list. These six charter schools were recently approved by local boards of education and/or must be numbered at the November meeting in order to meet a grant deadline.

This last minute item will assign numbers to six additional charter schools, numbered 602 through 607.

November 2003 State Board of Education Meeting

Assignment of Numbers for Charter School Petitions

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
602	Animo South Los Angeles Charter High School	Los Angeles	Los Angeles USD	Nicole Chuck 304 E. Spruce Ave. Inglewood, CA 90301 (310) 673-0887 x 21
603	Lakeview Charter Academy	Los Angeles	Los Angeles USD	Jacqueline Elliot 1445 Celis St. San Fernando, CA 91340 (818) 402-1711
604	California Science Center	Los Angeles	Los Angeles USD	Jacques Bordeaux 700 State Drive, Rm. AOE 220 Los Angeles, CA 90037 (213) 744-7409
605	Fanno Academy	San Diego	San Diego USD	Sharon Grant-Henry 2940 Broadway, Ste. 39 San Diego, CA 92102 (619) 640-2451
606	Millennium Charter School	San Joaquin	Tracy USD	Mari Vargas 650 W. 10th St. Tracy, CA 95376 (209) 831-5090
607	Primary Charter School	San Joaquin	Tracy USD	Mari Vargas 650 W. 10th St. Tracy, CA 95376 (209) 831-5090

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 33

NOVEMBER 2003 AGENDA

SUBJECT:	
2002-03 (and beyond) 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.	X ACTION INFORMATION PUBLIC HEARING

RECOMMENDATION:

Retroactively approve 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools and the California Department of Education.

Summary of Previous State Board of Education Discussion and Action

Senate Bill 740 (Chapter 892, Statutes of 2001) enacted provisions of law calling upon charter schools to prepare and the State Board to act upon determination of funding requests relating to pupils who receive nonclassroom-based instruction (in excess of an amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). The State Board adopted regulations (in keeping with SB 740) to define certain terms and establish criteria for the evaluation of determination of funding requests. The regulations are anticipated to formally become operative on or about November 5, 2003.

Summary of Key Issue(s)

Under SB 740, an approved determination of funding is required (beginning in 2001-02) in order for a charter school to receive funding for pupils receiving nonclassroom-based instruction (in excess of the amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). All requests in 2001-02 were for that year only.

The Advisory Commission on Charter Schools considered a number of 2002-03 (and beyond) determination of funding requests and made recommendations to the State Board. The California Department of Education concurred with those recommendations. Although the State Board previously acted on these determinations of funding (except as noted), the permanent implementing regulations were not formally operative when those actions were taken. Thus, now that the regulations are operative, it is recommended that the State Board retroactively approve the 2002-03 (and beyond) determinations of funding and preclude the possible retroactive reduction (or complete loss) of 2002-03 allocations by affected charter schools.

Fiscal Analysis (as appropriate)

A determination of funding request approved at less than the 100 percent level may result in slightly reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. However, if total claims for Proposition 98 funding are greater than available funds in a given year, then the reduction in apportionments attributable to nonclassroom-based instruction may be regarded as a reduction in the deficit for that year.

Background Information attached to this Agenda Item

The listing of specific recommendations is attached. More information regarding individual schools' determinations of funding requests is available for public inspection in the Charter Schools Division of the California Department of Education.

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 60 percent level. The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria. The reason justifying a level lower than 70 percent is that taking into account the totality of the information received, the purposes for which the schools spent public revenues in 2001-02 do not warrant funding at the 70 percent level in 2002-03.

Charter Number	Charter Name	2002-03	2003-04	2004-05
13	Options for Youth – Victor Valley Charter School	60%	N/A	N/A
105	Options for Youth – Upland Charter School	60%	N/A	N/A
117	Options for Youth – San Gabriel Charter School	60%	N/A	N/A
130	Options for Youth – Burbank Charter School	60%	N/A	N/A
139	Options for Youth – Mt. Shasta Charter School	60%	N/A	N/A
188	Opportunities for Learning Charter School – Hacienda La Puente	60%	N/A	N/A
214	Opportunities for Learning Charter School – Santa Clarita	60%	N/A	N/A
217	Options for Youth – San Juan Charter School	60%	N/A	N/A
402	Opportunities for Learning Charter School – Baldwin Park	60%	N/A	N/A
463	Opportunities for Learning-Capistrano	60%	N/A	N/A

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 70 percent level. The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria.

Charter Number	Charter Name	2002-03	2003-04	2004-05
44	West Park Charter Academy	70%	N/A	N/A
51	Charter Oak	70%	N/A	N/A
196	Fresno Prep Academy	70%	N/A	N/A
262	California Charter Academy – Snowline (Victorville)	70%	N/A	N/A
297	California Charter Academy – Orange	70%	N/A	N/A
377	California Charter Academy – Snowline	70%	N/A	N/A
379	One Step UP	70%	N/A	N/A

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 80 percent level. The 80 percent level, as recommended, is consistent with the level specified in statute for 2002-03. No reasons justifying a higher or lower level are necessary.

Charter Number	Charter Name	2002-03	2003-04	2004-05
88	Mid Valley Alternative Charter School	80%	N/A	N/A
159	Mattole Valley Charter School	80%	N/A	N/A
165	Camptonville Academy	80%	N/A	N/A
267	Julian Charter School	80%	N/A	N/A
279	Modoc Charter School	80%	N/A	N/A
282	Eagles Peak Charter School	80%	N/A	N/A
285	Gorman Learning Center	80%	N/A	N/A
324	HomeSmart Kids of Knightsen	80%	N/A	N/A
356	Golden Valley Charter School	80%	N/A	N/A
370	Wheatland Charter Academy	80%	N/A	N/A
411	Desert Sands Charter School	80%	N/A	N/A

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2002-03	2003-04	2004-05
D-2	Kingsburg Community Charter Extension	100%	N/A	N/A
15	Horizon Instructional Systems	100%	N/A	N/A
20	Santa Barbara Elementary School	100%	N/A	N/A
26	Twin Ridges Home Study Charter	100%	N/A	N/A
56	Elise P. Buckingham Charter School	100%	N/A	N/A
61	Choices 2000 Online	100%	N/A	N/A
63	Mountain Home School Charter	100%	N/A	N/A
67	Home Tech	100%	N/A	N/A
69	Nevada City Home Study Charter	100%	N/A	N/A
80	Hart-Ransom Academic Charter School	100%	N/A	N/A
82	Union Hill Charter School	100%	N/A	N/A
99	East Bay Conservation Corps	100%	N/A	N/A
103	Oakdale Home Study	100%	N/A	N/A
108	Chrysalis Charter School	100%	N/A	N/A
110	Learning Community Charter School	100%	N/A	N/A
120	River Valley Charter School	100%	N/A	N/A
136	Sierra Charter School	100%	N/A	N/A
138	Challenge Home School Charter	100%	N/A	N/A
144	Prosser Creek Charter School	100%	N/A	N/A
146	Plumas Charter School	100%	N/A	N/A
149	School of Unlimited Learning	100%	N/A	N/A
152	Circle of Independent Learning	100%	N/A	N/A
155	Paradise Charter Network	100%	N/A	N/A
160	Liberty Family Academy	100%	N/A	N/A
163	New Millennium Institute of Education	100%	N/A	N/A

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

Charter Number	Charter Name	2002-03	2003-04	2004-05
170	Pacific Coast Charter School	100%	N/A	N/A
171	New Jerusalem Charter School[1]	100%	N/A	N/A
179	Santa Barbara Middle School	100%	N/A	N/A
183	Academy for Career Education	100%	N/A	N/A
199	Classical Academy, The	100%	N/A	N/A
223	Stellar Charter School of Technology and Home Study	100%	N/A	N/A
247	Pacific View Charter School	100%	N/A	N/A
250	Charter Home School Academy	100%	N/A	N/A
255	Muir Charter School	100%	N/A	N/A
256	Shasta Secondary Home School	100%	N/A	N/A
257	Sanger Hallmark Charter School	100%	N/A	N/A
270	WEB DuBois Public Charter	100%	N/A	N/A
277	Pacific View Charter School	100%	N/A	N/A
301	Summit Charter	100%	N/A	N/A
320	Long Valley Charter School	100%	N/A	N/A
332	Valley Oaks Charter School	100%	N/A	N/A
354	Forest Charter School	100%	N/A	N/A
357	Denair Charter School	100%	N/A	N/A
358	Castle Rock Charter School	100%	N/A	N/A
362	Learning for Life Charter	100%	N/A	N/A
366	Shenandoah High School	100%	N/A	N/A
375	La Vida Independent Study Charter School	100%	N/A	N/A
378	Carter G. Woodson Charter Academy	100%	N/A	N/A
386	University Preparatory Charter	100%	N/A	N/A
391	BASIS	100%	N/A	N/A
392	Gold Rush Home Study Charter	100%	N/A	N/A
395	Eleanor Roosevelt Community Learning Center	100%	N/A	N/A
419	Dehesa Charter School	100%	N/A	N/A

[1] At its meeting on July 11, 2003, the Advisory Commission on Charter Schools considered a second determination of funding request from this school submitted in 2002-03. The Advisory Commission recommended that the State Board confirm the one-year (2002-03 only) determination of funding.

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

Charter Number	Charter Name	2002-03	2003-04	2004-05
423	one.Charter School	100%	N/A	N/A
424	Wonder to Wisdom	100%	N/A	N/A
468	Bonsall Charter Academy	100%	N/A	N/A
472	Central Coast Virtual Academy	100%	N/A	N/A
477	Connecting Waters Charter School	100%	N/A	N/A
479	Glacier High School Charter	100%	N/A	N/A
482	Center for Excellence in Education/Big Bear	100%	N/A	N/A
490	Stellar Charter High School	100%	N/A	N/A
492	Pathways Charter School	100%	N/A	N/A
493	California Virtual Academy-San Diego	100%	N/A	N/A
494	California Virtual Academy-Kern	100%	N/A	N/A
495	California Virtual Academy-Jamestown	100%	N/A	N/A
496	Morro Hills Charter Academy	100%	N/A	N/A
500	Mountain Empire Applied Sciences	100%	N/A	N/A
501	Valley Oak Charter School	100%	N/A	N/A
504	Whitmore Charter School	100%	N/A	N/A

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for two years (2002-03 and 2003-04) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2002-03	2003-04	2004-05
19	Natomas Charter School	100%	100%	N/A
27	Elk Grove Charter School	100%	100%	N/A
92	Yuba County Career Preparatory Charter	100%	100%	N/A
126	Challenge Charter High School	100%	100%	N/A
203	Lammersville	100%	100%	N/A
248	Visions in Education Charter School	100%	100%	N/A
254	Anderson Valley Charter Network	100%	100%	N/A
261	Greater San Diego Academy	100%	100%	N/A
275	Choices	100%	100%	N/A
310	Orchard View Charter School	100%	100%	N/A
393	Delta Charter High School	100%	100%	N/A
406	Audeo Charter School	100%	100%	N/A

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for three years (2002-03, 2003-04, and 2004-05) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 and 2004-05 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2002-03	2003-04	2004-05
D-4	Hickman Charter School	100%	100%	100%
5	Charter Community School, Home Study Academy and Extended Day	100%	100%	100%
22	Grass Valley Charter School	100%	100%	100%
25	San Lorenzo Valley Charter School	100%	100%	100%
28	Charter School of San Diego	100%	100%	100%
74	Excelsior Education Center	100%	100%	100%
85	Keyes to Learning	100%	100%	100%
101	Charter 101 Elementary School	100%	100%	100%
327	Monterey County Home Charter School	100%	100%	100%
344	Antelope View Home Charter	100%	100%	100%
421	Olive Grove Charter School	100%	100%	100%

Information regarding each of the above-mentioned determination of funding requests is available for public inspection at the State Board Office.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 34

NOVEMBER 2003 AGENDA

SUBJECT	X	ACTION
The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding.		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education requests State Board of Education approval of LEAs and Consortia members who have submitted applications for funding under The Principal Training Program (AB 75).

The California Department of Education staff recommends that the State Board of Education approve the attached list of LEAs and Consortia applications by name only. Administration of funding is dependent upon further information to be provided by LEAs, such as names of administrator participants, number of hours in actual training and the amount of funding available. It is feasible that initial award requests will be amended throughout the three-year funding period.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education approved criteria and requirements for Principal Training Program applications at the February 6-7, 2002 meeting.

Summary of Key Issue(s)

The Principal Training Program requires the State Board of Education to approve all training providers.
As of October 14, 2003 there are a total of 5,948 participants in the Principal Training Program. Of those, 110 participants have completed 160 hours of training, 342 participants have completed between 80 – 159 hours of training, 2,614 participants have completed between 1 – 79 hours of training and 2, 882 have not started their training.

Fiscal Analysis (as appropriate)

The Principal Training Program is currently funded at $22.5M. The CDE has a total of $30,933,000.00 in requests for training from LEAs and Consortia.

Attachment(s)

Attachment 1: Local Educational Agencies Recommended for State Board of Education Approval (Pages 1-2)
Attachment 2: Consortia Members Recommended for State Board of Education Approval (Page 1-1)

PRINCIPAL TRAINING PROGRAM
Local Educational Agencies Recommended
For
State Board of Education Approval
November 2003

Applications received during the month of August and September 2003

LOCAL EDUCATIONAL AGENCIES	Total Number of Administrators	Total Amount of State Funding Requested
ALAMEDA		
Livermore Valley Joint Unified	8	$24,000.00
CONTRA COSTA		
Contra Costa COE	3	$9,000.00
Liberty Union High	6	$18,000.00
HUMBOLDT		
Ferndale Unified	1	$3,000.00
LOS ANGELES		
Westside Union Elementary	1	$3,000.00
MADERA		
Coarsegold Union Elementary	1	$3,000.00
MERCED		
Los Banos Unified	6	$18,000.00
SACRAMENTO		
Folsom-Cordova Unified	5	$15,000.00
SAN BENITO		
Aromas/San Juan Unified	2	$6,000.00
SAN DIEGO		
Literacy First Charter School	2	$6,000.00
SAN FRANCISCO		
Leadership High School	1	$3,000.00
SAN JOAQUIN		
Lincoln Unified	9	$27,000.00

SONOMA		
Piner-Olivet Union Elementary	2	$6,000.00
West Side Union Elementary	2	$6,000.00
TEHAMA		
Red Bluff Union Elementary	3	$9,000.00
TULARE		
Dinuba Unified	6	$18,000.00
TUOLUMNE		
Curtis Creek Elementary	1	$3,000.00
YOLO		
Esparto Unified	2	$6,000.00

Total State Funds Requested for August and September LEA Approval: $183,000.00
Total Number of LEAs Requested for August and September Approval: 18
Total Number of Approved Single LEAs to date: 356
Total State Funds Encumbered by Single LEAs to date: $26,661,000.00

PRINCIPAL TRAINING PROGRAM

Consortium Members Recommended
for
State Board of Education Approval
November 2003

CONSORTIUM	Total Number of Consortium Participants	Total Amount of State Funding Requested by Consortium
KERN COUNTY OFFICE OF EDUCATION	105	$315,000.00
Rosedale Union School District		
SHASTA COUNTY OFFICE OF EDUCATION	85	$255,000.00
Grant Elementary		
Montague Elementary		
Willow Elementary		
Yreka Union High		

Total Number of Consortiums Participating in the Principal Training Program: 20
Total Number of New Consortiums Recommended for August & September Approval: 0
Total Number of New Consortium Members Recommended for August & September Approval: 5

Total Number of Single Local Educational Agencies Approved to Participate in Consortiums: 236
State Funds Approved for Consortiums: $4,218,000,000

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 35

NOVEMBER 2003 AGENDA

SUBJECT	**X**	**ACTION**
The Principal Training Program (AB 75): Approval of Training Providers.		**INFORMATION**
		PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) requests approval of the list of Recommended Training Providers for The Principal Training Program (AB 75).

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved the original criteria and requirements for Principal Training Program (PTP) applications at the February 6-7, 2002 meeting.

The SBE approved clarification of the original criteria that specifies the minimum number of hours of training focused on adopted instructional materials at each grade level for Module 1 at the April 6, 2003 meeting.

Summary of Key Issue(s)

Applications to become a SBE approved providers are reviewed using the SBE adopted criteria. The Principal Training Program requires the SBE to approve all provider applicants.

Fiscal Analysis (as appropriate)

The Principal Training Program is currently funded at $22.5M. The CDE has a total of $30,933,000.00 in requests for training from LEAs and Consortia. Currently there are more requests for training than there is funding available.

Attachment(s)

Attachment 1: Recommended List of Training Providers November 2003 (Pages 1-2)

PRINCIPAL TRAINING PROGRAM
RECOMMENDED LIST OF TRAINING PROVIDERS

November 2003

MODULE 1 – Leadership and Support of Instructional Programs

Action Learning
Elementary Level

Houghton Mifflin	Houghton Mifflin Reading: A Legacy of Literacy (K-6)

Kern County Office of Education
Elementary Level

SRA/McGraw-Hill	SRA/Open Court

Sacramento County Office of Education
Middle School Level

Prentice Hall	Prentice Hall, Pre-Algebra, CA ED (7)

High School Level

SRA/McGraw Hill	SRA/REACH Program (4-8)
Hampton Brown	High Point (4-8)
McDougal Littell	Concepts & Skills
Prentice Hall	Prentice Hall, Pre-Algebra, CA ED (7)

Santa Barbara County Office of Education
Elementary

SRA/McGraw Hill	SRA Open Court Reading

Stanislaus County Office of Education
Middle School Level

Holt, Rinehart & Winston	Literature and Language Arts (7)
Hampton Brown	High Point (4-8)
Prentice Hall	Prentice Hall, Algebra 1, CA ED (8)

High School Level

SRA/McGraw Hill	SRA/REACH Program (4-8)
Hampton Brown	High Point (4-8)
McDougal Littell	Concepts & Skills

Santa Cruz County Office of Education
Middle School Level

McDougal Littell	Reading and Language Arts Program (6-8)

The Achievement Council
High School Level
Holt, Rinehart & Winston Literature and Language Arts (9-12)

MODULE 3 – Instructional Technology to Improve Pupil Performance

ABC Unified School District

State of California
SBE-006 (New 04/2003)

Department of Education

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **November 6, 2003**

From: **William W. Vasey, Director, Professional Development & Curriculum Support**

Re: **ITEM #35**

Subject THE PRINCIPAL TRAINING PROGRAM (AB 75): APPROVAL OF TRAINING PROVIDERS.

Please insert the revised Attachment.

Attachment 1: Revised Recommended List of Training Providers November 2003 (Pages 1-2)

REVISED
PRINCIPAL TRAINING PROGRAM
RECOMMENDED LIST OF TRAINING PROVIDERS

November 2003

MODULE 1 – Leadership and Support of Instructional Programs

Action Learning
Elementary Level

Houghton Mifflin	Houghton Mifflin Reading: A Legacy of Literacy (K-6)

Calabash
Elementary Level

Houghton Mifflin	Houghton Mifflin Reading: A Legacy of Literacy (K-6)

Kern County Office of Education
Elementary Level

SRA/McGraw-Hill	***SRA/Open Court***

Sacramento County Office of Education
Middle School Level

Prentice Hall	***Prentice Hall, Pre-Algebra, CA ED (7)***

High School Level

SRA/McGraw Hill	SRA/REACH Program (4-8)
Hampton Brown	High Point (4-8)
McDougal Littell	Concepts & Skills
Prentice Hall	Prentice Hall, Pre-Algebra, CA ED (7)

Santa Barbara County Office of Education
Elementary

SRA/McGraw Hill	SRA Open Court Reading

Stanislaus County Office of Education
Middle School Level

Holt, Rinehart & Winston	Literature and Language Arts (7)
Hampton Brown	High Point (4-8)
Prentice Hall	***Prentice Hall, Algebra 1, CA ED (8)***

High School Level

SRA/McGraw Hill	SRA/REACH Program (4-8)
Hampton Brown	High Point (4-8)
McDougal Littell	Concepts & Skills

Santa Cruz County Office of Education
Middle School Level
McDougal Littell ***Reading and Language Arts Program (6-8)***

The Achievement Council
High School Level
Holt, Rinehart & Winston Literature and Language Arts (9-12)

MODULE 3 – Instructional Technology to Improve Pupil Performance

ABC Unified School District

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 36

NOVEMBER 2003 AGENDA

SUBJECT	X	ACTION
The Principal Training Program (AB75): Approval of California Department of Education Module 1: Leadership and Support of Student Instructional Programs High School Level; Day 1 and Day 5 training curriculum.		INFORMATION
		PUBLIC HEARING

Recommendation:

State Board of Education staff recommends that the SBE approve training curriculum for Principal Training Provider Module 1: Leadership and Support of Student Instructional Programs: High School Level: Day 1 and Day 5.

Summary of Previous State Board of Education Discussion and Action

The SBE approved criteria and requirements for Principal Training Program applications at the February 6-7, 2002 meeting. Clarification of the original criteria specifying the minimum number of hours of training focused on adopted instructional materials at each grade level for Module 1 was SBE- approved at the April 6, 2003 meeting.

Summary of Key Issue(s)

In an effort to build capacity of training providers for Principal Training Program: Module 1: High School Level, a CDE training curriculum model for two of the required five days of the Principal Training Program Institute was written.

Representatives of Sacramento County Office of Education, Stanislaus Office of Education, Action Learning Systems, The Achievement Council, and CDE authored the training curriculum of Day 1 and Day 5. The training curriculum will be disseminated as a CDE Model for Module 1: High School Level. CDE will retain proprietary rights.

To ensure quality control of the training, organizations requesting to use the CDE Model will be required to: 1) Submit a complete application to become a SBE-approved training provider; 2) attend a two-day training of content and delivery; and 3) sign a Memorandum of Understanding with CDE for its use.

The first training, January 5 and 6, 2004, is limited to current SBE approved training providers. Subsequent trainings will be open to all service providers interested in using the CDE Model and/or interested in attending a workshop that models a SBE-approved PTP Module 1: High School Level curriculum as a reference for developing their own curriculum.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

N/A

California Department of Education
SBE-001 (New 04/2003)

CALIFORNIA STATE BOARD OF EDUCATION **ITEM # 37**

NOVEMBER 2003 AGENDA

SUBJECT	X	**ACTION**
Mathematics and Reading Professional Development Program (AB 466): Approval of Requests for Local Educational Agency (LEA) Reimbursement for the 2003-04 Fiscal Year		**INFORMATION**
		PUBLIC HEARING

Recommendation: The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve fiscal year (FY) 2003-04 reimbursements for local educational agencies included on the attached list. All agencies listed have complied with required assurances for the AB 466 Program and have submitted summary information regarding the credentials held by each teacher successfully completing professional development.

Summary of Previous State Board of Education Discussion and Action

Last fiscal year the SBE approved LEA AB 466 applications prior to a participating LEA commencing training. This process caused a time delay before an LEA could begin AB 466 professional development. To avoid this delay for FY 2003-04 the SBE Executive Director and the CDE Deputy for the Curriculum and Instruction Branch agreed that for FY 2003-04 LEA compliance with required assurances and the submission of data for the AB 466 final report (teacher credential information) would be approved by the SBE when LEAs submit a Request for Reimbursement form.

Summary of Key Issue(s)

Section 99234 (g) of AB 466, Chapter 737, Statutes of 2001, stipulates that funding may not be provided to a LEA until the SBE approves the agency's certified assurances. LEAs in compliance with program assurances can be approved for reimbursement. Reimbursement compensates LEAs for teachers who have successfully completed 40 hours of intense professional development, 80 hours of follow-up professional development, or both. In addition, AB 466, Section 99240 (b), requires the CDE to collect certain data from participating LEAs for a final report to the Legislature

Fiscal Analysis (as appropriate)

The Legislature appropriated $31,728,000 for the AB 466 program for FY 2003-04. The total reimbursement for the LEAs included on the attached list is $266,250, leaving a balance of $31,461,750.

Attachment(s) Attachments #1 and #2 are for SBE member reference only. Subsequent AB 466 SBE items will only contain the updated Requests for Reimbursement 2003-04 Fiscal Year spreadsheet.

Attachment 1: AB 466 Assurances (Page 1-1)
Attachment 2: AB 466 Request for Reimbursement Form (Page 1-3)
Attachment 3: Requests for Reimbursement 2003-04 Fiscal Year (spreadsheet) (Page 1-1)

Mathematics and Reading Professional Development Program (AB 466)

Certified Assurances

I hereby certify that the following assurances will be met (legal requirements):

- The local educational agency (LEA) will contract with a training provider approved by the State Board of Education (SBE) or a California Professional Development Institute (approved by the UC system for AB 466 training) or will itself become a provider whose curriculum has been approved by the SBE to provide initial training (40 hours for teachers).
- Each student and teacher will be provided with instructional materials aligned to the State content standards in accordance with *Educational Code* (*EC*) Section 99237 (a) (3) (A) and (B) or, for 2003-04 only, *EC* 60423.
- SBE adopted or otherwise authorized instructional materials for grades 1-8 will be adopted by the LEA prior to any initial training.
- Instructional materials for grades 9-12 will be adopted by the LEA that are aligned to the state reading and/or mathematics standards and curriculum frameworks, and certified as such by the governing board of the LEA.
- All materials for grades K-12 will be in the hands of students in the school term immediately following initial teacher training.
- Teachers who will receive training are those that provide direct instruction in mathematics, science, reading/language arts, or social science.
- Professional development for teachers will include 40 hours of initial instruction provided by an approved provider, plus 80 hours of follow-up instruction per teacher (LEA assumes responsibility for the 80 hours of follow-up instruction).
- Highest priority will be given to training teachers in low-performing schools.
- Priority will be given to training teachers as follows:
  1. Teachers who have not participated in a professional development institute covering a reading or mathematics instructional program.
  2. Teachers who have participated in a professional development institute on a reading or mathematics instructional program but have not yet received supplemental training in the specified areas (Article 3, Section 99234.5 (a) (b)).
- LEA participation in this program will be approved, in a public session, by the local governing board of this LEA applicant.
- A copy of all waivers or requests to waive any program requirements will be filed with the Waiver Office of the California Department of Education (CDE).
- Legal assurances for all programs are accepted as the basic legal condition for the operation of selected projects and programs. Copies of assurances will be retained on site.

I further assure that the following reporting requirements will be met:

LEA will provide all required data and reports to the CDE, including but not limited to the following:

Final Report

- Number of teachers receiving training, by credential type (Single Subject: English or Social Science; Single Subject: Mathematics or Science; Special Education; Multiple Subject: Elementary; Multiple Subject: Emergency; Single Subject Emergency: English or Social Science; Single Subject Emergency: Mathematics or Science; Single Subject Emergency: Special Education). Holders of emergency 30-day substitute teaching permits issued by the California Commission on Teacher Credentialing are **not** eligible to receive training offered pursuant to this program.
- Names of providers that received funds.
- By each provider, the number of teachers trained in mathematics and reading, respectively.
- Information on the effectiveness of the program, including (at a minimum) survey data gathered from program participants and follow-up survey data with participants' school principals.
- To the extent possible, information on the teacher retention rates as associated with this professional development program for each credential type and/or subject matter. (At a minimum, must include sample data concerning teachers who are no longer in the profession.)

LEA will respond to any additional surveys or other methods of data collection that may be required throughout the life of the program.

FY 2003-04 REQUEST FOR REIMBURSEMENT
Mathematics and Reading Professional Development Program – AB 466

(Submission Deadlines)

Forms are due on the 15th of each month.
Please submit a separate claim for each fiscal year in which 40-hour or 80-hour trainings were completed.

Name of LEA:	CD Code: _____ - _____
Address:	
City:	Zip Code:
Contact Name:	Title:
Contact Phone:	Contact Fax:
Contact E-mail:	

I certify that:

- **The specific teacher training hours for which we are claiming have not been reimbursed under Goals 2000 or any previous AB 466 claim**; and

I certify that all records related to the professional development provided to participants in the Mathematics and Reading Professional Development Program will be retained for at least a five-year period. These records shall include the following:

- Number of hours
- Content area (Mathematics or Reading/English Language Arts)
- Dates professional development taken by teachers
- Names of providers and names of authorized instructional materials
- Attendance records for teachers

Authorized Signature	**Date**
Name (Please Print)	**Title**

Summary Reimbursement Information:

	Number of Teachers	Date(s) Completed	Reimbursement Amount	TOTAL AMOUNT
Number of teachers who have completed initial 40 hours:			X $1,250 =	$
Number of teachers who have completed 80 hours follow-up:			X $1,250 =	$

Please attach additional pages for multiple trainings.

GRAND TOTAL $_____

RETURN COMPLETED FORMS TO:

Maxine Wheeler, Associate Analyst
California Department of Education
Mathematics & Science Leadership Office
1430 N Street, Suite 4401
Sacramento, CA 95814
Phone: 916-323-4746 Fax: 916-323-2833
E-mail: mwheeler@cde.ca.gov

Name of LEA:_____

40 HOURS INITIAL PROFESSIONAL DEVELOPMENT

(When using more than one provider, duplicate this form and complete one for each provider. Payment will not be made until this form is completed for all teachers being reimbursed.)

For the table below:

- Indicate the number of teachers by credential type in each subject area. If the teacher holds more than one credential, report the credential that reflects the greater number of students taught during the school year.
- Count multiple-subject teachers only once per subject area.

Provider Company or Organization (MUST be an approved provider, check one):

Mathematics:

- ☐ Calabash
- ☐ Sacramento COE
- ☐ MPDI (specify) _____
- ☐ Other (specify) _____

Reading:

- ☐ Calabash
- ☐ CPDI (specify UC sponsoring training) _____
- ☐ Center for Applied Research
- ☐ CORE, Inc.
- ☐ LEA Consortium (specify) _____
- ☐ Pearson Education
- ☐ RIC (specify COE sponsoring training) _____
- ☐ Sacramento COE (non RIC)
- ☐ Santa Cruz COE
- ☐ Scholastic Inc.
- ☐ SRA/McGraw Hill
- ☐ Sopris West
- ☐ Wright Group/McGraw Hill
- ☐ Other (specify) _____

Credential Type:	Number of Teachers:
Multiple Subject: Elementary	
Multiple Subject: Emergency	
Single Subject Emergency: English or Social Science	
Single Subject Emergency: Mathematics or Science	
Single Subject Emergency: Special Education	
Single Subject: English or Social Science	
Single Subject: Mathematics or Science	
Special Education	

Instructional Materials	Name of Materials Taught	Name of Publisher	Grade Level(s)
Mathematics			
Reading/English Language Arts			

Name of LEA:_____

80 HOURS FOLLOW-UP PRACTICUM

(When using more than one provider, duplicate this form and complete one for each provider.)

For the table below:

- Indicate the number of teachers by credential type in each subject area. If the teacher holds more than one credential, report the credential that reflects the greater number of students taught during the school year.
- Count multiple-subject teachers only once per subject area.

Provider Company or Organization (check one):

Mathematics:

- ☐ District provider
- ☐ Calabash
- ☐ Sacramento COE
- ☐ MPDI (specify) _____
- ☐ Other (specify) _____

Reading:

- ☐ District provider
- ☐ Calabash
- ☐ CPDI (specify UC sponsoring training) _____
- ☐ Center for Applied Research
- ☐ CORE, Inc.
- ☐ LEA Consortium (specify) _____
- ☐ Pearson Education
- ☐ RIC (specify COE sponsoring training) _____
- ☐ Sacramento COE (non RIC)
- ☐ Santa Cruz COE
- ☐ Scholastic Inc.
- ☐ SRA/McGraw Hill
- ☐ Sopris West
- ☐ Wright Group/McGraw Hill
- ☐ Other (specify) _____

Credential Type:	Number of Teachers:
Multiple Subject: Elementary	
Multiple Subject: Emergency	
Single Subject Emergency: English or Social Science	
Single Subject Emergency: Mathematics or Science	
Single Subject Emergency: Special Education	
Single Subject: English or Social Science	
Single Subject: Mathematics or Science	
Special Education	

Instructional Materials	Name of Materials Taught	Name of Publisher	Grade Level(s)
Mathematics			
Reading/English Language Arts			

Mathematics and Reading Professional Development Program (AB 466)

Requests for Reimbursement 2003-04 Fiscal Year

							Credential Type Held by Teachers Trained			
County	LEA Name	No. Teachers 40 hrs reading	No. Teachers 80 hrs reading	No. Teachers 80 hrs math	Provider	Materials	No. Teachers Multiple Subject Elementary	No. Teachers Multiple Subject Emergency	No. Teachers Single Subj. Emer. English or Social Science	No. Teachers Single Subject English or Social Science
Alameda	Oakland Unified	37	0	0	Sacramento COE	High Point	20	0	0	15
Lake	Lake Elementary	1	0	0	RIC-Butte COE	Houghton Mifflin	1	0	0	0
Los Angeles	Keppel Union Elementary	101	0	0	RIC-Los Angeles COE	Open Court	82	6	0	0
Orange	Placentia-Yorba Linda Unified	55	0	0	Calabash	Legacy of Literacy	52	0	0	3
Riverside	Coachella Valley Unified	361	0	0	RIC-San Diego COE	Houghton Mifflin	348	13	0	0
San Bernardino	Alta Loma Elementary	2	0	0	Calabash	Legacy of Literacy	2	0	0	0
San Joaquin	Jefferson Elementary	18	0	0	RIC-San Joaquin COE	Houghton Mifflin	17	1	0	0
San Joaquin	Manteca Unified	412	0	0	RIC-San Joaquin COE	Houghton Mifflin	378	15	5	5
Santa Cruz	Pajaro Valley Unified	13	0	0	Calabash	Houghton Mifflin	13	0	0	0
Santa Cruz	Pajaro Valley Unified	0	1	0	District Provider	Houghton Mifflin	1	0	0	0
Sonoma	Santa Rosa Elementary	52	0	0	RIC-Greater Bay Area	Houghton Mifflin	50	0	0	0
Stanislaus	Paradise Elementary	5	0	0	RIC-San Joaquin COE	Houghton Mifflin	4	1	0	0
Ventura	Moorpark Unified	0	0	8	MPDI-McGraw Hill	McGraw Hill	6	0	0	0
		1,057	1	8			974	36	5	23

*AB 2781, Chapter 1167, revised the percentage of teachers eligible to receive state incentive funding for AB 466 professional development to 3 percent for participating LEAs are reimbursed for 3 percent of their eligible teachers,

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 38

NOVEMBER 2003 AGENDA

SUBJECT: Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	X ACTION __ INFORMATION __ PUBLIC HEARING

RECOMMENDATION:
Approve Technology in Learning as an AB 466 provider for Houghton Mifflin *Mathematics*, Grades K-1, for the purposes of providing mathematics professional development under the provisions of the Mathematics and Reading Professional Development Program.

Summary of Previous State Board of Education Discussion and Action.

At the February 2002 meeting, the Board approved criteria for the approval of training providers and training curricula. The State Board has approved AB 466 training providers and training curricula at previous meetings.

Summary of Key Issue(s).

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the State Board-approved criteria and been approved by the State Board, local education agencies may contract with the approved providers for AB 466 professional development.

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

None

California Department of Education
SBE-001 (New 04/2003)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 39

NOVEMBER 2003 AGENDA

SUBJECT	**X**	**ACTION**
High Priority Schools Grant Program: Approval of 12 New High Priority Schools Implementation Grant Awards		**INFORMATION**
		PUBLIC HEARING

Recommendation:

Approve applications for 12 additional schools to participate in the High Priority Schools Grant Program (HPSGP), pending availability of funds.

Summary of Previous State Board of Education Discussion and Action

Previously, the Board has approved 654 High Priority Schools to be funded in fiscal year 02-03.

Summary of Key Issue(s)

The High Priority Schools Office (HPSO) was notified in July that it would receive an additional $4.5 million to fund new schools in 2003-04. This amount along with funds reappropriated from the 2003-03 budget will allow 12 additional schools to participate in the High Priority Schools Grant Program (HPSGP). HPSO notified 12 schools of their eligibility to apply for funding on August 7, 2003. All of the schools have affirmed their commitment to participate in the program. Upon acceptance of this funding, each school has agreed to the following conditions:

- Schools approved at the November Board meeting will receive $720 per student for fiscal year 2003-04. Consistent with Senate Bill 18 (Chesbro, Chapter 4, Statutes of 2003-04 First Extraordinary Session) schools that participate in High Priority Schools Grant Program (HPSGP) received $320 per student in fiscal year 2002-03 and will receive $400 per student in 2003-04. The schools will subsequently be eligible to receive $400 per student for fiscal year 2004-05, pending availability of funds in the 2004-05 Budget Act.

- Funds allocated in fiscal year 2003-04 may be carried over into 2004-05.

- Schools agreeing to accept these funds will be subject to the same accountability and timeline standards as schools that received their funding beginning in 2002-03. In other words, even though these schools will not receive funding to implement their action plans until 2003-04, they will be held accountable for making their API growth targets and/or significant growth for 2002-03.

Applications were due to the CDE on October 6, 2003. Applications received were subjected to a thorough review by program staff. Narratives were reviewed to insure they addressed the

Summary of Key Issue(s)

seven key elements needed for program approval. Budgets were inspected to ensure they were accurate and aligned with program objectives. Finally, staff completed a technical review of each application to ensure all required forms, signatures, and assurances are included.

The schools on the attached list were identified as eligible to participate in the High Priority Schools Grant Program based on their rank on the Academic Performance Index (API) by using the approved process of funding schools in decile 1 beginning with the lowest API score upward.

Fiscal Analysis (as appropriate)

Sufficient funds were made available in the 03-04 Budget Act to fund additional schools.

Attachment(s)

Attachment 1: CDE Funding Recommendations for Additional High Priority Schools (Page 1-1)

CDE Funding Recommendations for Additional High Priority Schools

CDS	County	District	School	Status	Funding
10623646115224	Fresno	Parlier	Parlier Junior	Approve	$342,000
19734376023758	Los Angeles	Compton Unified	Carver Elementary	Approve	$321,120
24657226025498	Merced	Le Grand Elementary	Le Grand	Approve	$315,360
24657556025548	Merced	Los Banos Unified	Henry Miller	Approve	$686,880
24753666025407	Merced	Delhi Unified	El Capitan Elementary	Approve	$270,720
27659616025985	Monterey	Alisal Union Elementary	Bardin	Approve	$550,080
33669776031512	Riverside	Alvord Unified	Arlanza	Approve	$544,320
36677106035919	San Bernardino	Fontana Unified	West Randall Elementary	Approve	$798,480
38684783834769	San Francisco	San Francisco Unified	O'Connell (John A.)	Approve	$297,360
38684786041602	San Francisco	San Francisco Unified	Starr King	Approve	$227,520
43696666048516	Santa Clara	San Jose Unified	Empire Gardens	Approve	$318,960
44697996049704	Santa Cruz	Pajaro Valley Joint	Hyde (H. A.) Elementary	Approve	$451,440
					$5,124,240

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 40

NOVEMBER 2003 AGENDA

SUBJECT	X	ACTION
		INFORMATION
Gifted and Talented Education (GATE): Approval of LEA Applications for Funding		PUBLIC HEARING

Recommendation:

Approve the local educational agencies (LEAs) applications for Gifted and Talented Education (GATE) program funding. The list of local educational agencies recommended for approval is provided in Attachments 1-6.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education annually approves local education agency applications for GATE program funding in accordance with Education Code Section 52212.

Summary of Key Issue(s)

Education Code Section 52212 authorizes the State Board to approve LEA GATE applications for one, two, three or five years based on the quality of the LEA GATE plans evaluated in accordance with the Recommended Standards for Programs for Gifted and Talented Students.

Fiscal Analysis (as appropriate)

The FY 2003-04 State Budget appropriation for the Gifted and Talented Education Program is $42,578,000. An additional $3,958,000 was deferred to the FY 2004-05 for a total appropriation of $46,536,000. The deferred amount is included in the local educational agency (LEA) funding calculations for FY 2003-04 even though it will not be disbursed until after the new fiscal year. This amount represents a reduction of $10 million in GATE funding for FY 2003-04 as compared with $56,536,000 appropriated in FY 2002-03. The funding level is approximately $8.00 per ADA. With the reduction in state funding and a possible additional deficit factor, the LEA's requested amount may be reduced by approximately 18 to 20 percent.

Attachment(s)

Attachment 1: Gifted and Talented Education Program Funding Summary (Page 1-1)
Attachment 2: 2003-04 GATE 1-Year Approvals (Pages 1-5)
Attachment 3: 2003-05 GATE 2-Year Approvals (Pages 1-3)
Attachment 4: 2003-06 GATE 3-Year Approvals (Page 1-1)
Attachment 5: 2003-08 GATE 5-Year Approvals (Page 1-1)
Attachment 6: 2003-04 GATE 1-Year BUDGET Approvals (Pages 1-24)

GIFTED AND TALENTED EDUCATION PROGRAM FUNDING SUMMARY

The FY 2003-04 State Budget appropriation for the Gifted and Talented Education Program is $42,578,000. An additional $3,958,000 was deferred to the 2004-05 FY for a total appropriation of $46,536,000. The deferred amount is included in the local educational agency (LEA) funding calculations for FY 2003-04 even though it will not be disbursed until after the new fiscal year. Per Education Code 52211, LEA GATE apportionments are calculated through a funding formula that uses the prior year's statewide average daily attendance (ADA) in kindergarten and grades 1-12, reported by all participating districts at the second principal apportionment, to determine the per pupil GATE funding for each LEA. LEAs with less than 1,500 ADA receive $2,500 or not less than the amount received in FY 1998-99. No district receives less per ADA than the amount it received in FY 1999-2000. The funding level is approximately $8.00 per ADA. An additional deficit factor may be applied in order to align the GATE funding calculations with the available State funding which may reduce LEA's requested amount by approximately 18 to 20 percent.

The table below represents districts that submitted new 2003-04 applications and were approved for one, two, or three-year funding.

LEA APPROVED APPLICATIONS

Number of Years Funded	GATE Standards	Fiscal Year	Number of LEAs	GATE Students Identified	Attachment Number
One	Minimum	2003-2004	105	30,317	2
Two	Commendable	2003-2005	41	19,878	3
Three	Exemplary	2003-2006	14	10,137	4
Five	Exceeds	2003-2008	1	792	5
		Sub Total	**161**	**61,124**	

The table below represents districts that had previously submitted applications that were approved by the State Board of Education (SBE) for multi-year funding and were required to only submit a GATE budget for FY 2003-04.

LEA APPROVED ANNUAL BUDGETS

Number of Years Funded	GATE Standards	Fiscal Year	Number of LEAs	GATE Students Identified	Attachment Number
Multi		2003-2004	624	424,548	6
	Grand Total		**785**	**485,672**	

2003-04 GATE 1-Year Approvals

County	District	Identified GATE Students	Requested Amount
Contra Costa			
	Canyon Elementary	22	$8,263.00
	Moraga Elementary	160	$19,000.00
Del Norte			
	Del Norte County Unified	574	$36,478.00
El Dorado			
	Camino Union	42	$4,486.00
Fresno			
	Coalinga-Huron Unified	257	$38,636.00
	Kingsburg Elementary Charter School	69	$20,344.00
	Laton Unified	43	$12,393.00
	Mendota Unified	91	$15,000.00
	Parlier Unified	81	$50,082.00
	Westside Elementary	20	$8,652.00
Humboldt			
	Blue Lake Union Elementary	24	$8,000.00
	Mattole Unified	10	$3,965.00
	Northern Humboldt	150	$18,539.00
Imperial			
	Brawley Elementary	158	$93,252.00
Kern			
	Mojave Unified School District	140	$23,000.00
	Tehachapi Unified	378	$49,968.00
Kings			
	Corcoran Joint Unified	125	$27,800.00
Lassen			
	Janesville Union Elementary	24	$8,785.00
Los Angeles			
	Antelope Valley Union High	1731	$119,411.00

2003-04 GATE 1-Year Approvals

County	District	Identified GATE Students	Requested Amount
Los Angeles			
	Compton Unified	944	$248,814.00
	El Segundo Unified	257	$25,276.00
	Lennox School District	486	$69,712.00
	Los Angeles County Office of Education	545	$8,000.00
	Lynwood Unified	1250	$120,000.00
	Palos Verdes Peninsula	351	$90,000.00
	San Gabriel Unified	528	$48,240.00
	Temple City Unified	256	$65,067.00
	William S. Hart School District	2050	$117,113.00
	Wilsona	69	$16,413.00
Madera			
	Alview-Dairyland Elementary	30	$28,245.00
Marin			
	Dixie Elementary	160	$27,000.00
Mendocino			
	Fort Bragg Unified	59	$17,304.00
	Round Valley Unified	31	$12,101.00
Merced			
	Ballico-Cressey Elementary	29	$8,580.00
	Delhi Unified	147	$22,500.00
	Dos Palos-Oro Loma Joint Unified	156	$21,040.00
	Los Banos Unified	386	$74,711.00
	Merced Union High	2186	$70,000.00
Monterey			
	Carmel Unified	156	$22,000.00
	King City Joint Union High	50	$16,700.00
	North Monterey County Unified	641	$38,000.00
	Salinas City Elementary	459	$71,412.00
	Salinas Union High	1093	$96,946.00
	Santa Rita Union	136	$23,563.00

2003-04 GATE 1-Year Approvals

County	District	Identified GATE Students	Requested Amount
Napa			
	Calistoga Joint Unified	56	$15,143.00
	Howell Mountain Elementary	7	$2,500.00
Nevada			
	Pleasant Valley Elementary	880	$18,058.00
	Ready Springs Union	35	$15,794.00
Orange			
	Buena Park	212	$59,454.00
	Cypress Elementary	356	$75,600.00
	Fullerton Joint Union High	4281	$127,500.00
	Savanna Elementary	3	$24,703.00
Placer			
	Western Placer Unified	166	$32,180.00
Riverside			
	Beaumont Unified	216	$26,610.00
	Murrieta Valley Unified	957	$124,836.00
	Perris Union High	270	$48,105.00
	San Jacinto Unified	265	$55,166.00
Sacramento			
	Elverta Joint Elementary	31	$9,680.00
San Bernardino			
	Alta Loma Elementary	928	$66,330.00
	Hesperia Unified	272	$100,143.00
San Diego			
	Jamul-Dulzura Union	53	$11,592.00
	Vallecitos Elementary	19	$5,521.00
San Luis Obispo			
	Pleasant Valley Joint Union Elementary	17	$4,221.00

2003-04 GATE 1-Year Approvals

County	District	Identified GATE Students	Requested Amount
San Mateo			
	Jefferson Elementary	438	$58,250.00
	Woodside Elementary	50	$39,884.00
Santa Barbara			
	Guadalupe Union Elementary	63	$12,200.00
Santa Clara			
	Mountain View -Whisman	460	$36,000.00
Shasta			
	Anderson Union High	236	$26,376.00
	Bella Vista Elementary	26	$8,758.00
	Black Butte Union Elementary	22	$9,194.00
	Columbia Elementary	64	$14,009.00
	Pacheco Union Elementary	48	$12,294.00
Sierra			
	Sierra-Plumas Joint Unified	62	$18,211.00
Siskiyou			
	Happy Camp Union Elementary	8	$4,500.00
	Junction Elementary	66	$3,422.00
	Yreka Union High	23	$9,021.00
Sonoma			
	Fort Ross Elementary	10	$4,121.00
	Kenwood Elementary	22	$9,575.00
	Oak Grove Union Elementary	58	$12,300.00
	Twin Hills Union Elementary	54	$19,804.00
	Waugh Elementary	50	$16,500.00
Stanislaus			
	Chatom Union Elementary	35	$13,558.00
	Keyes Union Elementary	25	$15,367.00
	Stanislaus Union Elementary	130	$67,918.00

2003-04 GATE 1-Year Approvals

County	*District*	*Identified GATE Students*	*Requested Amount*
Sutter			
	Browns Elementary	10	$4,271.00
	East Nicolaus High	39	$6,458.00
	Live Oak Unified	66	$17,132.00
	Meridian Elementary	8	$2,259.00
	Winship Elementary	13	$4,484.00
Tehama			
	Los Molinos Unified	20	$14,653.00
	Red Bluff High School	496	$17,100.00
	Reed's Creek Elementary	18	$4,110.00
Tulare			
	Burton Elementary	155	$426,176.00
	Dinuba Unified	205	$68,252.00
	Earlimart School District	124	$14,000.00
	Kings River Union Elementary	45	$14,000.00
	Tulare Joint Union High	646	$53,972.00
	Woodlake Union Elementary	78	$14,990.00
Tuolumne			
	Big Oak Flat-Groveland	101	$16,458.00
Ventura			
	Fillmore Unified	173	$36,117.00
	Mesa Union Elementary	44	$18,168.00
	Oxnard Union High	2494	$124,000.00
Yolo			
	Esparto Unified	51	$7,216.00
	Washington Unified	430	$48,642.00
Yuba			
	Camptonville Elementary	23	$13,250.00

2003-05 GATE 2-Year Approvals

County	District	GATE Students Identified	Requested Amount
Contra Costa			
	Lafayette Elementary	564	$106,185.00
	Martinez Unified	273	$35,000.00
	Orinda Union Elementary	316	$29,533.00
Fresno			
	Caruthers Unified	65	$18,600.00
	Central Unified	868	$85,000.00
Humboldt			
	Pacific Union Elementary	65	$24,300.00
	Trinidad Union Elementary	19	$6,187.00
Inyo			
	Round Valley Joint Elementary	8	$12,101.00
Kern			
	Caliente Union School District	12	$4,463.00
Los Angeles			
	Arcadia Unified	2167	$62,331.00
	Bellflower Unified	1006	$133,500.00
	Beverly Hills Unified	594	$41,433.00
	Castaic Union Elementary	220	$22,215.00
	Little Lake City Elementary	210	$53,106.00
	Walnut Valley Unified	1680	$117,494.00
Madera			
	Golden Valley Unified	48	$10,209.00
Marin			
	Novato Unified	492	$49,600.00
	Tamalpais Union High	1420	$28,291.00

2003-05 GATE 2-Year Approvals

County	District	GATE Students Identified	Requested Amount
Mendocino			
	Arena Union Elementary	25	$10,300.00
	Laytonville Unified	49	$15,840.00
Merced			
	Gustine Unified	50	$17,171.00
	McSwain Union Elementary	116	$21,984.00
Napa			
	Napa Valley Unified	1076	$123,000.00
Nevada			
	Grass Valley Elementary	47	$21,500.00
	Nevada Joint Union High	626	$40,401.00
Riverside			
	Nuview Union Elementary	39	$16,125.00
	Romoland School District	18	$11,746.00
San Diego			
	Grossmont Union High	5620	$199,402.00
	Valley Center-Pauma Union	150	$81,434.00
	Warner Unified	36	$11,198.00
San Joaquin			
	Manteca Unified	995	$127,216.00
San Mateo			
	San Carlos Elementary	90	$16,000.00
Santa Clara			
	Berryessa Union Elementary	815	$70,409.00
	Gilroy Unified	668	$84,500.00
	Los Gatos-Saratoga Joint Union		$28,937.00

2003-05 GATE 2-Year Approvals

County	***District***	***GATE Students Identified***	***Requested Amount***
Santa Cruz			
	Pajaro Valley Unified	1817	$215,539.00
Shasta			
	North Cow Creek Elementary	64	$21,995.00
Siskiyou			
	Delphic Elementary School	4	$2,447.00
Trinity			
	Southern Trinity Unified	20	$4,180.00
Tulare			
	Sequoia Union Elementary	14	$2,500.00
Yolo			
	Winters Joint Unified	75	$19,161.00

2003-06 State Board 3-Year Approvals

Attachment 4

County	District	Identified GATE Students	Requested Amount
Humboldt			
	Green Point Elementary	2	$2,567.00
Imperial			
	Calipatria Unified	50	$18,502.00
Nevada			
	Chicago Park Elementary	18	$9,281.00
Orange			
	Anaheim City School District	1498	$176,561.00
Riverside			
	Corona-Norco Unified	2785	$350,000.00
	Hemet Unified	1484	$179,340.00
San Bernardino			
	Adelanto School District	312	$54,694.00
San Diego			
	La Mesa-Spring Valley	1128	$185,514.00
San Joaquin			
	Lodi Unified School District	1399	$268,221.00
Santa Clara			
	Alum Rock Union Elementary	757	$146,994.00
	Orchard School District	39	$6,774.00
	Sunnyvale Elementary	832	$56,788.00
Stanislaus			
	Riverbank Elementary	104	$25,602.00
Ventura			
	Oak Park Unified	420	$34,274.00

2003-08 GATE 5-Year Approval

County	***District***	***GATE Students Identified***	***Requested Amount***
Los Angeles			
	Burbank Unified	993	$112,000.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
Alameda			
	Alameda Unified School District	1000	$100,000.00
	Berkeley Unified School District	1666	$97,691.00
	Castro Valley Unified School District	975	$148,400.00
	Dublin Unified School District	551	$31,158.00
	Fremont Unified	3675	$223,978.00
	Hayward Unified School District	1700	$180,000.00
	Livermore Valley Joint Unified	2316	$109,880.00
	New Haven Unified	1149	$100,941.00
	Newark Unified	709	$50,000.00
	Oakland Unified	4216	$422,199.00
	Piedmont Unified School District	322	$21,255.00
	Pleasanton Unified	1711	$209,527.00
	San Leandro Unified	965	$32,085.00
	San Lorenzo Unified	687	$83,162.00
Amador			
	Amador County Unified	401	$35,806.00
Butte			
	Bangor Union Elementary	6	$3,939.00
	Biggs Unified	40	$15,321.00
	Chico Unified School District	991	$107,800.00
	Durham Unified	50	$12,240.00
	Gridley Unified	84	$16,596.00
	Manzanita Elementary	25	$13,847.00
	Oroville City Elementary	50	$29,552.00
	Oroville Union High	149	$14,779.00
	Palermo Union Elementary	85	$13,737.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Paradise Unified	138	$37,205.00
	Pioneer Union Elementary	5	$3,637.00
	Thermalito Elementary	24	$14,086.00
Calaveras			
	Bret Harte Union High	50	$14,556.00
	Mark Twain Union Elementary		$16,000.00
	Vallecito Union Elementary	50	$15,276.00
Colusa			
	Colusa Unified	59	$14,000.00
	Maxwell Unified School District	47	$17,327.00
	Pierce Joint Unified	20	$15,600.00
	Williams Unified	58	$18,410.00
Contra Costa			
	Acalanes Union High	499	$56,000.00
	Antioch Unified	1065	$191,912.00
	Brentwood Union School District	366	$45,693.00
	Byron Union School District	70	$15,134.00
	John Swett Elementary	188	$17,950.00
	Knightsen Elementary	30	$7,947.00
	Liberty Union High	338	$31,816.00
	Mt. Diablo Unified	3556	$406,977.00
	Oakley Union Elementary	425	$32,777.00
	Pittsburg Unified	198	$71,004.00
	San Ramon Valley Unified	1482	$179,466.00
	Walnut Creek Elementary	190	$32,000.00
	West Contra Costa Unified	1618	$314,227.00
El Dorado			
	Black Oak Mine Unified	245	$16,857.00
	Buckeye Union Elementary	296	$30,972.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	El Dorado Union High School District	592	$49,458.00
	Gold Oak Union Elementary	89	$6,334.00
	Gold Trail Union School District	63	$11,291.00
	Lake Tahoe Unified	423	$39,200.00
	Latrobe School District	46	$15,283.00
	Mother Lode Union Elementary	117	$13,337.00
	Placerville Union Elementary	83	$13,961.00
	Pollock Pines Elementary	43	$15,800.00
	Rescue Union Elementary	330	$25,712.00
Fresno			
	American Union Elementary	40	$10,226.00
	Clovis Unified	2448	$306,744.00
	Firebaugh-Las Deltas Unified	97	$17,918.00
	Fowler Unified	66	$16,502.00
	Fresno Unified	10925	$739,542.00
	Golden Plains Unified	50	$19,275.00
	Kerman Unified	195	$32,912.00
	Kings Canyon Unified	219	$70,820.00
	Pacific Union Elementary	91	$12,888.00
	Sanger Unified	274	$56,598.00
	Selma Unified	426	$42,640.00
	Sierra Unified	228	$20,074.00
	Washington Colony Elementary School	12	$10,477.00
	Washington Union High	77	$12,114.00
	West Fresno Elementary	50	$19,000.00
Glenn			
	Hamilton Union Elementary	25	$10,000.00
	Orland Joint Unified	88	$17,931.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
Humboldt			
	Arcata Elementary	43	$15,150.00
	Big Lagoon Union Elementary	4	$2,968.00
	Bridgeville Elementary	9	$3,392.00
	Cuddleback Union Elementary	15	$4,619.00
	Cutten Elementary	50	$16,700.00
	Eureka City Unified	458	$37,559.00
	Ferndale Unified School	38	$17,755.00
	Fieldbrook Elementary	24	$9,600.00
	Fortuna Union Elementary	50	$17,862.00
	Freshwater Elementary	25	$11,714.00
	Hydesville Elementary	25	$7,304.00
	Jacoby Creek Elementary	50	$16,391.00
	Klamath-Trinity Joint Unified		$9,303.00
	Kneeland Elementary	5	$2,260.00
	Maple Creek Elementary	3	$2,260.00
	McKinleyville Union School District	80	$15,453.00
	Orick Elementary	5	$2,968.00
	Peninsula Union Elementary	7	$3,853.00
	Rio Dell Elementary	40	$11,403.00
	Rohnerville School District	49	$15,735.00
	Scotia Union Elementary	34	$10,725.00
	South Bay Union Elementary	46	$16,391.00
	Southern Humboldt Joint Unified	50	$18,221.00
Imperial			
	Brawley Union High(Imperial County	386	$12,733.00
	Central Union High	435	$44,000.00
	El Centro Elementary	312	$65,000.00
	Heber Elementary (Imperial Co. Consortium)	45	$5,098.00
	Holtville Unified	81	$14,805.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Imperial Unified	86	$29,173.00
	McCabe Union Elementary (Imperial Co.	27	$8,168.00
	Seeley Union Elementary (Imperial Co.	30	$11,528.00
	Westmorland Union Elementary	50	$15,323.00
Inyo			
	Big Pine Unified	23	$17,603.00
	Bishop Joint Union High	49	$19,993.00
	Bishop Union Elementary	50	$15,096.00
	Lone Pine Unified	50	$16,700.00
	Owens Valley Unified School District	8	$4,831.00
Kern			
	Arvin Union Elementary	107	$86,043.00
	Bakersfield City Elementary	701	$1,017,615.00
	Beardsley Elementary	50	$39,500.00
	Buttonwillow Union	40	$6,900.00
	Delano Joint Union High	229	$25,036.00
	Delano Union Elementary	527	$55,279.00
	Edison Elementary	40	$16,600.00
	El Tejon Unified	46	$13,179.00
	Fairfax Elementary	49	$12,471.00
	Fruitvale School District	111	$27,198.00
	Greenfield Union High	277	$56,477.00
	Kern High	2635	$212,087.00
	Lamont Elementary	265	$24,579.00
	McFarland Unified	145	$20,000.00
	Panama-Buena Vista Union	751	$100,143.00
	Richland-Lerdo Elementary	32	$23,853.00
	Rio Bravo-Greeley Elementary	49	$16,482.00
	Rosedale Elementary	244	$35,632.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Sierra Sands Unified	418	$46,054.00
	South Fork Union	66	$2,500.00
	Southern Kern Unified	202	$22,000.00
	Standard Elementary	185	$21,330.00
	Wasco Union High	35	$18,618.00
Kings			
	Armona Union Elementary School District	29	$15,935.00
	Central Union Elementary	48	$16,868.00
	Kings River-Hardwick Union Elementary	50	$18,396.00
	Lemoore Union Elementary	175	$25,099.00
	Reef-Sunset Unified	175	$22,265.00
Lake			
	Konocti Unified	131	$21,500.00
	Lakeport Unified	53	$14,451.00
	Lucerne Elementary	45	$7,515.00
	Middletown Unified	173	$700.00
	Upper Lake Union	49	$14,976.00
Lassen			
	Johnstonville Elementary	18	$7,519.00
	Lassen Union High	202	$9,000.00
	Richmond Elementary	30	$8,230.00
	Susanville Elementary	90	$21,380.00
	Westwood Unified	49	$13,120.00
Los Angeles			
	ABC Unified	2826	$200,000.00
	Acton-Agua Dulce Unified	166	$18,975.00
	Alhambra City Elementary	516	$111,284.00
	Alhambra City High	460	$10,050.00
	Azusa Unified	539	$117,803.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Baldwin Park Unified	600	$161,420.00
	Bassett Unified	599	$48,880.00
	Bonita Unified	650	$80,410.00
	Centinela Valley High	1267	$54,860.00
	Charter Oak Unified	386	$54,299.00
	Covina-Valley Unified	730	$122,015.00
	Culver City Unified	569	$52,000.00
	Downey Unified	774	$159,554.00
	Duarte Unified	250	$41,622.00
	East Whittier City Elementary	614	$84,673.00
	Eastside Union	110	$17,522.00
	El Monte City Elementary	433	$263,777.00
	El Monte Union High	1036	$73,354.00
	El Rancho Unified	466	$137,716.00
	Garvey Elementary	135	$58,668.00
	Glendale Unified	3278	$649,243.00
	Glendora Unified	507	$67,753.00
	Gorman Elementary School District		$9,295.00
	Hacienda La Puente Unified	1402	$207,419.00
	Hawthorne Elementary	570	$80,169.00
	Hughes-Elizabeth Lakes	28	$5,958.00
	Inglewood Unified School District	667	$175,297.00
	Keppel Union Elementary	71	$28,000.00
	La Canada Unified	470	$41,265.00
	Lancaster Elementary	1032	$121,993.00
	Las Virgenes Unified	1603	$93,000.00
	Lawndale Elementary	222	$50,881.00
	Long Beach Unified	5737	$789,334.00
	Los Angeles Unified	56542	$6,987,402.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Los Nietos Elementary	50	$22,000.00
	Lowell Joint Elementary	361	$32,000.00
	Manhattan Beach Unified	687	$208,928.00
	Monrovia Unified	412	$62,813.00
	Montebello Unified	2241	$328,000.00
	Mountain View Elementary	280	$104,068.00
	Newhall Elementary	379	$63,617.00
	Norwalk-La Mirada Unified	1987	$170,387.00
	Palmdale Elementary	828	$174,324.00
	Paramount Unified	1258	$159,313.00
	Pasadena Unified	1537	$220,767.00
	Pomona Unified	2109	$331,490.00
	Redondo Beach Unified	528	$162,200.00
	Rosemead Elementary	174	$26,200.00
	Rowland Unified	1264	$146,817.00
	San Marino Unified	804	$24,962.00
	Santa-Monica Malibu Unified	1854	$114,494.00
	Saugus Union Elementary	626	$135,294.00
	South Pasadena Unified	495	$3,744.00
	South Whittier Elementary	178	$40,000.00
	Sulphur Springs Union Elementary	322	$42,015.00
	Torrance Unified	1972	$192,123.00
	Valle Lindo Elementary	65	$13,143.00
	West Covina Unified	918	$87,226.00
	Westside Union Elementary	527	$64,863.00
	Whittier City Elementary	332	$60,427.00
	Whittier Union High	698	$92,230.00
	Wiseburn Elementary	117	$16,872.00
Madera			

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Bass Lake Elementary	47	$15,909.00
	Chawanakee Joint	50	$13,200.00
	Chowchilla Elementary SD	40	$22,866.00
	Chowchilla Union High	52	$16,530.00
	Coarsegold Union Elementary	48	$18,502.00
	Madera Unified	1052	$155,057.00
	Raymond-Knowles Elementary	14	$3,100.00
	Yosemite Union High	39	$18,502.00
Marin			
	Kentfield Elementary	100	$8,250.00
	Larkspur Elementary	48	$15,276.00
	Marin County Office of Education		$7,794.00
	Mill Valley Elementary	65	$16,010.00
	Reed Union Elementary	44	$8,200.00
	Ross Valley Elementary	180	$12,000.00
	San Rafael City Elementary	354	$28,700.00
	San Rafael City High	211	$14,680.00
	Sausalito Marin City School District	24	$4,392.00
	Shoreline Unified	58	$26,755.00
Mariposa			
	Mariposa County Unified	207	$20,154.00
Mendocino			
	Anderson Valley Unified	27	$9,939.00
	Mendocino Unified	45	$11,400.00
	Potter Valley Community Unified	26	$8,000.00
	Ukiah Unified	405	$53,082.00
	Willits Unified	161	$17,591.00
Merced			
	Atwater Elementary	404	$47,936.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Hilmar Unified	110	$23,060.00
	Livingston Union Elementary	291	$20,000.00
	Merced City Elementary	381	$90,476.00
	Winton Elementary	185	$16,090.00
Modoc			
	Modoc Joint Unified	50	$13,744.00
Mono			
	Mammoth Unified School District	35	$12,958.00
Monterey			
	Alisal Union Elementary	350	$60,000.00
	Chualar Union Elementary School District	20	$10,459.00
	Gonzales Unified School District	170	$21,097.00
	Greenfield Union School District	63	$20,410.00
	King City Union Elementary	106	$22,516.00
	Monterey Peninsula	629	$175,365.00
	Pacific Grove Unified	177	$15,391.00
	Pacific Unified	13	$6,680.00
	Soledad Unified	130	$32,419.00
	Washington Union School District	50	$15,172.00
Napa			
	Pope Valley Union Elementary	6	$3,662.00
Nevada			
	Nevada City Elementary	369	$12,887.00
	Pleasant Ridge Union Elementary	50	$75,090.00
	Twin Ridges Elementary	66	$2,500.00
	Union Hill Elementary	58	$15,015.00
Orange			
	Anaheim Union High	6352	$253,500.00
	Brea-Olinda Unified	531	$50,040.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Capistrano Unified	5363	$367,515.00
	Centralia Elementary	237	$44,959.00
	Fountain Valley Elementary	603	$55,849.00
	Fullerton Elementary	560	$116,375.00
	Garden Grove Unified	2140	$570,531.00
	Huntington Beach City Elementary	773	$72,723.00
	Huntington Beach Union High	2479	$141,655.00
	Irvine Unified	2917	$183,000.00
	La Habra City Elementary	307	$50,755.00
	Laguna Beach Unified	350	$20,354.00
	Los Alamitos Unified	974	$83,299.00
	Magnolia Elementary	58	$44,751.00
	Newport-Mesa Unified	1585	$208,000.00
	Ocean View School District	337	$76,000.00
	Orange Unified	2773	$259,211.00
	Placentia-Yorba Linda Unified	2194	$250,000.00
	Saddleback Valley Unified	3749	$467,096.00
	Santa Ana Unfied	3474	$536,283.00
	Tustin Unified	2010	$153,110.00
	Westminster	498	$77,379.00
Placer			
	Alta-Dutch Flat Elementary	27	$7,907.00
	Auburn Union Elementary	211	$31,858.00
	Colfax Elementary	48	$14,300.00
	Dry Creek Joint Elementary	320	$41,992.00
	Eureka Union Elementary	765	$55,000.00
	Foresthill Union Elementary	50	$16,000.00
	Newcastle Elementary	45	$13,360.00
	Ophir Elementary	20	$8,462.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Penryn Elementary	47	$8,527.00
	Placer Hills Union Elementary	129	$14,331.00
	Placer Union High	897	$43,006.00
	Rocklin Unified	674	$70,000.00
	Roseville City Elementary	239	$64,520.00
	Roseville Joint Union High	2349	$6,500.00
	Tahoe-Truckee Joint Unified	521	$32,986.00
Plumas			
	Plumas Unified	202	$24,256.00
Riverside			
	Alvord Unified	626	$146,663.00
	Banning Unified	299	$36,968.00
	Coachella Valley Unified	714	$126,046.00
	Desert Sands Unified	3121	$179,774.00
	Jurupa Unified School District	1132	$151,004.00
	Lake Elsinore Unified	1333	$131,775.00
	Menifee Union Elementary	357	$46,102.00
	Moreno Valley Unified	3735	$454,910.00
	Palm Springs Unified	1163	$166,900.00
	Palo Verde Unified	195	$81,674.00
	Perris Elementary	84	$43,404.00
	Riverside Unified	3284	$300,564.00
	Temecula Valley Unified	1971	$156,648.00
	Val Verde Unified	872	$96,501.00
Sacramento			
	Center Joint Unified	416	$52,785.00
	Del Paso Heights Elementary	34	$25,300.00
	Elk Grove Unified	3399	$741,664.00
	Folsom-Cordova Unified	1133	$180,507.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Galt Joint Union Elementary	310	$39,022.00
	Galt Joint Union High	165	$14,676.00
	Grant Joint Union High School	962	$111,084.00
	Natomas Unified	749	$47,713.00
	North Sacramento Elementary	151	$51,634.00
	Rio Linda Union Elementary	373	$78,114.00
	River Delta Unified	153	$18,722.00
	Robla Elementary	70	$18,301.00
	Sacramento City Unified	2100	$434,019.00
	San Juan Unified	4500	$375,110.00
San Benito			
	Hollister School District	323	$128,100.00
	San Benito High	199	$19,558.00
San Bernardino			
	Apple Valley Unified	920	$148,300.00
	Barstow Unified	975	$62,060.00
	Bear Valley Unified	236	$28,153.00
	Central Elementary	498	$41,418.00
	Chaffey Joint Union High	1743	$157,960.00
	Chino Valley Unified	2268	$252,853.00
	Colton Joint Unified	1184	$175,792.00
	Cucamonga Elementary	168	$22,986.00
	Etiwanda Elementary	815	$73,000.00
	Fontana Unified	2040	$267,740.00
	Morongo Unified	579	$174,000.00
	Needles Unified	47	$16,800.00
	Ontario-Montclair Elementary	900	$242,324.00
	Redlands Unified	2089	$113,719.00
	Rialto Unified	2828	$289,956.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Rim of the World Unified	438	$42,513.00
	San Bernardino City Unified	3200	$435,771.00
	Snowline Joint Unified	172	$51,159.00
	Upland Unified	1164	$89,613.00
	Victor Elementary	326	$66,479.00
	Victor Valley Union High	359	$35,024.00
	Yucaipa-Calimesa Joint Unified	390	$72,375.00
San Diego			
	Alpine Union Elementary	170	$29,000.00
	Bonsall Union Elementary	128	$17,536.00
	Borrego Springs UnifiedAB615	19	$10,693.00
	Cajon Valley Union Elementary	1134	$179,406.00
	Cardiff Elementary	50	$25,900.00
	Carlsbad Unified	2270	$76,716.00
	Chula Vista Elementary	1377	$159,941.00
	Coronado Unified	395	$27,464.00
	Dehesa Elementary	45	$12,081.00
	Del Mar Union Elementary	80	$29,422.00
	Encinitas Union Elementary	606	$44,607.00
	Escondido Union Elementary	1734	$397,667.00
	Escondido Union High	567	$63,739.00
	Fallbrook Union Elementary	577	$56,016.00
	Fallbrook Union High	462	$14,462.00
	Julian Union Elementary	32	$12,755.00
	Julian Union High	50	$16,451.00
	Lakeside Union Elementary	423	$37,206.00
	Lemon Grove	256	$23,491.00
	Mountain Empire Unified	20	$13,848.00
	National School District	654	$61,362.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Oceanside City Unified	1250	$195,239.00
	Poway Unified	4000	$252,000.00
	Ramona City Unified	830	$73,810.00
	San Diego City Unified	21507	$3,362,536.00
	San Dieguito Union High	4766	$82,755.00
	San Marcos Unified	1236	$83,888.00
	San Pasqual Union Elementary	50	$12,820.00
	San Ysidro School District	154	$48,590.00
	Santee Elementary	371	$72,324.00
	Solana Beach Elementary	318	$27,869.00
	South Bay Union School District	115	$45,326.00
	Spencer Valley Elementary	7	$1,981.00
	Sweetwater Union High	3131	$328,293.00
	Vista Unified	3987	$158,637.00
San Francisco			
	San Francisco Unified	7434	$520,000.00
San Joaquin			
	Banta Elementary	17	$6,980.00
	Escalon Unified	128	$23,667.00
	Holt Union Elementary	4	$20,410.00
	Jefferson Elementary School District	164	$27,419.00
	Lammersville Elementary	13	$8,947.00
	Lincoln Unified	517	$116,501.00
	Linden Elementary	133	$21,437.00
	New Hope Elementary	42	$14,000.00
	New Jerusalem	26	$9,545.00
	Oak View Union Elementary	23	$8,200.00
	Ripon Unified	118	$16,000.00
	Stockton City Unified	1628	$370,535.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Tracy Joint Unified	616	$109,880.00
San Luis Obispo			
	Atascadero Unified	711	$45,832.00
	Cayucos Elementary	32	$13,880.00
	Lucia Mar Unified	1257	$100,763.00
	Paso Robles Joint Unified	428	$60,276.00
	San Luis Coastal Unified	830	$65,000.00
	San Miguel Joint Union Elementary	50	$11,640.00
	Templeton Unified	513	$22,092.00
San Mateo			
	Bayshore School District	50	$13,000.00
	Belmont-Redwood Shores	207	$19,407.00
	Brisbane Elementary	50	$13,000.00
	Burlingame Elementary	183	$26,053.00
	Cabrillo Unified	235	$38,327.00
	Hillsborough City Elementary	283	$20,415.00
	La Honda-Pescadero	50	$14,425.00
	Laguna Salada Union	241	$27,282.00
	Las Lomitas Elementary	50	$17,800.00
	Menlo Park City Elementary	173	$18,970.00
	Millbrae Elementary	140	$15,939.00
	Portola Valley Elementary	50	$16,997.00
	Ravenswood City Elementary	251	$90,867.00
	Redwood City School District	435	$93,277.00
	San Bruno Park Elementary	183	$23,000.00
	San Mateo Union High School District	888	$78,000.00
	San Mateo-Foster City	1053	$85,996.00
	Sequoia Union High	1294	$55,510.00
	South San Francisco	1549	$90,000.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
Santa Barbara			
	Buellton Union Elementary	95	$25,323.00
	Carpinteria Unified	201	$24,709.00
	Cold Springs School District	24	$2,500.00
	College School District	50	$18,502.00
	Goleta Union Elementary	369	$40,000.00
	Hope School District	50	$17,575.00
	Lompoc Unified	389	$95,000.00
	Los Alamos Elementary	17	$8,000.00
	Los Olivos Elementary	55	$16,650.00
	Montecito Union School	50	$13,522.00
	Santa Barbara Elementary	310	$41,097.00
	Santa Barbara High	1645	$77,608.00
	Santa Maria Joint Union High	513	$52,727.00
	Santa Maria-Bonita	703	$106,265.00
	Santa Ynez Valley Union High	350	$11,644.00
	Solvang Elementary	50	$20,191.00
Santa Clara			
	Cambrian Elementary	223	$25,844.00
	Campbell Union Elementary AB615	860	$62,727.00
	Campbell Union High	657	$72,542.00
	Cupertino Union School District	1851	$126,582.00
	East Side Union High	2292	$2,343.00
	Evergreen Elementary	707	$99,084.00
	Franklin-McKinley Elementary	904	$80,654.00
	Fremont Union High	1219	$83,889.00
	Lakeside Joint Elementary	19	$6,753.00
	Loma Prieta Joint Union Elementary	50	$15,227.00
	Los Altos Elementary	329	$173,061.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Los Gatos Union Elementary	416	$20,417.00
	Luther Burbank School District	26	$12,867.00
	Milpitas Unified	984	$80,000.00
	Moreland Elementary	750	$42,800.00
	Morgan Hill Unified	1552	$82,186.00
	Mountain View-Los Altos Union High School	379	$20,000.00
	Mt. Pleasant School District	132	$4,728.00
	Oak Grove Elementary	1329	$83,200.00
	Palo Alto Unified	896	$77,110.00
	San Jose Unified	4128	$82,000.00
	Santa Clara Unified	912	$106,706.00
	Saratoga Unified	2433	$21,892.00
	Union Elementary	275	$45,600.00
Santa Cruz			
	Bonny Doon Union Elementary	23	$7,900.00
	Happy Valley Elementary	20	$5,351.00
	Live Oak Elementary	116	$15,740.00
	Mountain Elementary	17	$6,146.00
	Pacific Elementary	8	$2,494.00
	San Lorenzo Valley Unified	411	$29,891.00
	Santa Cruz City Elementary	151	$27,857.00
	Santa Cruz City High	401	$51,449.00
	Scotts Valley Unified	250	$22,000.00
	Soquel Union Elementary	263	$20,990.00
Shasta			
	Cascade Union Elementary	138	$47,452.00
	Castle Rock Union Elementary	18	$9,300.00
	Enterprise Elementary	166	$60,000.00
	Fall River Joint Unified	87	$11,498.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Gateway Unified	59	$34,347.00
	Grant Elementary	71	$27,040.00
	Happy Valley Union School District	50	$11,213.00
	Igo-Ono-Platina Union School District	14	$3,963.00
	Junction Elementary	66	$11,000.00
	Millville Elementary	24	$9,000.00
	Mountain Union Elementary	9	$8,500.00
	Redding School District	125	$31,763.00
	Shasta Union Elementary	30	$6,224.00
	Shasta Union High	1869	$50,490.00
Siskiyou			
	Big Springs Union Elementary	25	$4,838.00
	Bogus Elementary	7	$3,959.00
	Butte Valley Unified	49	$8,333.00
	Butteville Union Elementary	12	$2,857.00
	Dunsmuir Elementary	37	$18,985.00
	Dunsmuir Joint Union High	31	$9,313.00
	Etna Union Elementary	14	$8,293.00
	Etna Union High	50	$14,128.00
	Forks of Salmon Elementary	3	$2,117.00
	Fort Jones Union Elementary	11	$4,348.00
	Gazelle Union Elementary	5	$2,117.00
	Grenada Elementary	17	$4,648.00
	Hornbrook Elementary	2	$4,564.00
	McCloud Union Elementary	6	$6,660.00
	Montague Elementary	30	$9,058.00
	Mt. Shasta Union Elementary	56	$13,798.00
	Quartz Valley Elementary	5	$2,117.00
	Weed Union Elementary	28	$11,000.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Willow Creek	12	$2,108.00
	Yreka Union Elementary	84	$10,512.00
Solano			
	Benicia Unified	455	$52,942.00
	Dixon Unified	225	$39,289.00
	Fairfield-Suisun Unified	1323	$333,921.00
	Travis Unified	165	$46,750.00
	Vacaville Unified	1098	$614,495.00
	Vallejo City Unified	1141	$151,079.00
Sonoma			
	Alexander Valley Elementary	11	$3,510.00
	Bellevue Union Elementary	73	$15,000.00
	Bennett Valley Union Elementary	88	$18,500.00
	Cloverdale Unified	102	$9,617.00
	Cotati-Rohnert Park	484	$72,524.00
	Forestville Union Elementary	46	$14,913.00
	Gravenstein School District	50	$78,500.00
	Guerneville Elementary	39	$12,701.00
	Harmony Union Elementary	50	$35,551.00
	Healdsburg Unified	297	$23,861.00
	Horicon Elementary	10	$4,137.00
	Mark West Union Elementary	50	$20,800.00
	Monte Rio Union Elementary	17	$6,952.00
	Montgomery Elementary	12	$16,055.00
	Old Adobe Union Elementary	67	$17,636.00
	Petaluma City Elementary	111	$20,250.00
	Petaluma Joint Union High	562	$35,524.00
	Piner-Olivet Union	50	$11,770.00
	Rincon Valley Union	209	$21,454.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Roseland Elementary	50	$11,661.00
	Santa Rosa Elementary	233	$46,151.00
	Santa Rosa High	2400	$98,202.00
	Sebastopol Union School District	50	$15,266.00
	Sonoma Valley Unified	449	$43,035.00
	West Sonoma County Unified	106	$22,500.00
	Wilmar Union	19	$9,352.00
	Windsor Unified School District	260	$34,980.00
	Wright Elementary	115	$45,979.00
Stanislaus			
	Ceres Unified	260	$76,172.00
	Denair Unified	55	$11,815.00
	Empire Union Elementary	274	$39,369.00
	Hickman Elementary	98	$12,555.00
	Modesto City Elementary	966	$182,617.00
	Modesto City High	1511	$138,597.00
	Newman-Crows Landing	65	$18,770.00
	Oakdale Unified	435	$80,397.00
	Patterson Joint Unified	146	$80,207.00
	Salida Union Elementary	133	$31,458.00
	Sylvan Union Elementary	426	$55,083.00
	Turlock Joint Elementary School District	328	$88,266.00
	Turlock Joint Union High	239	$39,573.00
	Waterford Unified School District	92	$16,078.00
Sutter			
	Franklin Elementary	48	$25,384.00
	Pleasant Grove Elementary	29	$5,190.00
	Yuba City Unified	365	$67,000.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
Tehama	Antelope Elementary	94	$17,500.00
	Bend Elementary	10	$3,900.00
	Corning Union Elementary School District	108	$14,888.00
	Flournoy Union	8	$1,865.00
	Lassen View Union Elementary	25	$2,500.00
	Mineral Elementary	3	$1,747.00
	Plum Valley Elementary	6	$1,422.00
	Red Bluff Union Elementary	80	$18,129.00
	Richfield Elementary	35	$10,198.00
Trinity			
	Burnt Ranch Elementary	10	$3,583.00
	Coffee Creek School	3	$900.00
	Cox Bar Elementary	2	$3,500.00
	Douglas City Elementary	12	$8,094.00
	Junction City School District	4	$3,950.00
	Lewiston Elementary	7	$4,630.00
	Mountain Valley Union	31	$11,288.00
	Trinity Center Elementary	4	$2,500.00
	Trinity Union High	50	$14,600.00
	Weaverville Elementary	45	$13,562.00
Tulare			
	Buena Vista Elementary	17	$10,503.00
	Cutler-Orosi Joint	178	$34,392.00
	Exeter Union Elementary	93	$14,550.00
	Exeter Union High	49	$9,592.00
	Farmersville Unified	43	$16,476.00
	Lindsay Unified School District	223	$28,394.00
	Monson-Sultana Joint Union Elementary	53	$14,475.00
	Pixley Union Elementary	23	$7,919.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Porterville Unified	611	$133,425.00
	Stone Corral School	12	$6,700.00
	Strathmore Union Elementary	48	$17,406.00
	Sundale Union Elementary	18	$4,200.00
	Terra Bella Union Elementary	50	$17,777.00
	Tulare City Elementary	346	$85,924.00
	Visalia Unified	2389	$170,813.00
	Woodlake Union High	64	$16,652.00
	Woodville Elementary	30	$26,009.00
Tuolumne			
	Belleview Elementary School*	30	$9,840.00
	Chinese Camp*	3	$2,539.00
	Columbia Union School District*	50	$16,966.00
	Curtis Creek*	104	$16,966.00
	Jamestown Elementary*	55	$6,838.00
	Sonora School District*	74	$16,966.00
	Sonora Union High	47	$15,300.00
	Soulsbyville*	65	$18,244.00
	Summerville Elementary*		$8,838.00
	Summerville Union High	47	$10,500.00
	Twain Harte Long Barn*	51	$18,618.00
Ventura			
	Briggs Elementary	33	$10,050.00
	Conejo Valley Unified	2633	$181,757.00
	Hueneme Elementary	585	$88,949.00
	Moorpark Unified	496	$75,199.00
	Ocean View Elementary	123	$23,657.00
	Ojai Unified	310	$26,667.00
	Oxnard Elementary	684	$147,000.00

2003-04 GATE 1-Yr BUDGET Approvals

County	District	GATE Students Identified	Requested Amount
	Pleasant Valley Elementary	880	$55,000.00
	Rio School District	112	$35,622.00
	Santa Paula Elementary	226	$31,690.00
	Santa Paula Union High	145	$15,465.00
	Simi Valley Unified	1799	$180,400.00
	Somis Union School District	42	$8,001.00
	Ventura Unified	1889	$161,376.00
Yolo			
	Davis Joint Unified	1614	$284,751.00
	Woodland Joint Unified School District	1040	$76,950.00
Yuba			
	Marysville Joint Unified	628	$71,960.00
	Plumas Elementary	38	$16,044.00
	Wheatland Elementary	109	$18,561.00

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 41

NOVEMBER 2003 AGENDA

SUBJECT		
Title I Committee of Practitioners: Approval of Appointments	☒	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

Staff recommends approval of the appointments to the Title I Committee of Practitioners.

Summary of Previous State Board of Education Discussion and Action

The State Board has previously not acted on this issue.

Summary of Key Issue(s)

The Title I Committee of Practitioners is a mandated advisory committee (Section 1903(b) NCLB Act of 2001) that meets three times yearly. Their primary function is to advise the state education agency on regulations and other issues related to Title I, Improving the Academic Achievement of the Disadvantaged. The members are appointed by the state education agency. They are only reimbursed for necessary expenses to attend meeting.

The Title I Committee of Practitioners membership may not exceed 54 persons and may include, but not be limited to: administrators, agency liaisons, principals, parents, teachers, paraprofessionals, pupil support services, business/labor technology representatives, community-based organizations, private schools, and school board members. On October 22-23, 2003, the Title I Committee of Practitioners met in Sacramento and a total of 15 members attended this meeting. An update of the number of the names of the current members and vacancies will be included in the Last Minute Memorandum.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

A list of names of potential appointees to the Committee of Practitioners will be included as a Last Minute Memorandum.

California Department of Education
SBE-006 (REV 07/03)

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/11/03**

From: **Geno Flores, Deputy Superintendent**
Assessment and Accountability Branch

Re: **ITEM # 41**

Subject **TITLE I COMMITTEE OF PRACTITIONERS: APPROVAL OF APPOINTMENTS**

The nominees for appointment to the Title I Committee of Practitioners are ready for your approval. The list of nominees are attached

Attachment 1: Committee of Practitioners, List of Nominees (Pages 3).

Committee of Practitioners
Item #41
List of Nominees

1. Karen Chizek, Director of Categorical Programs, Placer County Office of Education
    - President, California Co-operative Directors Association
    - Over 25 years experience with categorical programs as teacher and administrator in smaller school districts
    - Twice named Administrator of the Year, Nevada County ACSA

2. Sandra Clifton – Bacon, Assistant Superintendent, Redondo Beach Unified School District
    - Extensive administrative leadership in district instructional programs and support services
    - Former President, Association California School Administrators
    - Member, State Board of Directors, California Association for Supervision and Curriculum Development

3. George Esposo Romero, Jr., Director, Human Resources, Mendocino County Office of Education
    - Provides human resources support in areas including NCLB, ELL, Alternative Education, Regional Occupation Programs and Special Education Programs for county offices and local school districts
    - Extensive administrative experience in urban/suburban/rural settings with ethnically, culturally, and economically diverse populations

4. Patricia Koch, Assistant Superintendent, Business Services, Huntington Beach Union High School District
    - Chief Business Official for K-12 school districts for over 12 years.
    - Chair of California School Business Officials' Professional Development Committee
    - Ph.D. Educational Psychology/Special Education, UCLA

5. Patricia Walsh, Director, Student Performance and Program Evaluation, Ventura Unified School District
    - Extensive administrative experience in helping schools implement standards-based instructional systems with an emphasis on using comprehensive data systems for monitoring and improving student achievement

6. Carol Bakken, Assistant Director, Division for School Improvement/Southern California Assistance Center, Los Angeles County Office of Education
    - Served as Chair of the Southern California Comprehensive Assistance Center (CCAC) Family Involvement Network
    - Provides technical assistance and professional development in the areas of Homeless Education, Neglected and Delinquent Populations, Family Involvement, and Migrant Education
    - California Parent Center Advisory Board Member
    - Ed.D. – Educational Administration, United States International University, San Diego

7. Linda Mook, Educational Issues Coordinator, California Federation of Teachers
    - High school English/journalism teacher, Corona del Mar High School, Newport Beach, 1969-1994.
    - 1990 National Teacher of Merit, National Journalism Education Association

8. Patty Cox, Research Specialist, California Federation of Teachers
    - High school mathematics teacher, Harbor High School, Santa Cruz, 1976-1997
    - Mentor teacher for eight years and coordinator for Santa Cruz City Schools Mentor Teacher Program for four years
    - Staff liaison for CFT's Early Childhood Committee
    - Member National Association for the Education for Young Children

9. David Pollock, Governing Board Member, Moorpark Unified School District, 1992-Present
    - President-elect, California School Boards Association
    - Manager of Market Planning, The Boeing Company

10. Karen Gardner, Special Education Paraeducator, Turlock Elementary School District
    - 25 years experience as paraeducator
    - Served as Panel Member for Assembly Speaker Willie Brown's Education Summit
    - Served on CDE Advisory Committee regarding career ladders for paraprofessionals

11. Barbara Ferges, Teacher, Lawndale Elementary School District
    - Thirty-four years experience in grades 3-8.
    - Credentials include Reading Specialist, Administrative Tier 1, and Language Development Authorization.
    - Masters degrees in Reading and Administration

12. Kathryn Steinberg of Encino, parent
    - 14 years experience advocating for children in the public schools
    - Advisory Board Member to LAUSD Superintendent of Schools
    - Currently Federal Advocate for California State PTA
    - J.D., Duke University

13. Jo A.S. Loss of Castro Valley, parent
    - California State PTA Vice President for Education
    - California State PTA Leadership Services Commissioner
    - Trustee, Castro Valley Unified School District, 1995 to present

14. Brenda Steffen, Staff Secretary, Antioch Unified School District and parent.
    - Leadership Services Commissioner, California State PTA
    - Member, Antioch Unified School District Curriculum Council, 1995-2001

15. Linda Cook, State and Federal Programs Director, North Sacramento School District
    - 26 years as classroom teacher; model teacher; demonstration teacher; Master teacher, Team teaching, Multiage Program, Neverstreaming Program
    - 4 years as site coordinator of Federal and State programs

16. E. Sheli Cunningham, Administrator, Migrant Education Program, Tulare County Office of Education
    - Over 20 years experience specializing in Project Coordination, Program Management and Teaching
    - Chaired and coordinated a binational project which facilitated the accumulation of education classes/credits of migrant students

17. Robert Gurba, Coordinator, Migrant Education Program, Santa Maria Bonita School District
    - Over 30 years teaching experience
    - Masters degree in Teaching of English as a Second Language

18. Jill Wynns, Member, San Francisco Board of Education
    - Member of the SF Board of Education since 1992
    - Member of the national board of Council of Urban Boards of Education of the National School Boards Association
    - Working Group member for the California Education Master Plan
    - Director of the Children and Families Action Network of Alameda County, a family advocacy organization, from 1994 through 1997

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 42

NOVEMBER 2003 AGENDA

SUBJECT:	
Appointments to Child Nutrition Advisory Council (Child Nutrition and Physical Activity Advisory Council).	X ACTION X INFORMATION __ PUBLIC HEARING

RECOMMENDATION:
Reappoint two members of the Child Nutrition Advisory Council (Child Nutrition and Physical Activity Advisory Council), representing (respectively) classroom teachers and curriculum coordinators, pursuant to Education Code Section 49533, for three-year terms commencing January 1, 2004.

Summary of Previous State Board of Education Discussion and Action.

The State Board appoints members to the Child Nutrition Advisory Council (Child Nutrition and Physical Activity Advisory Council) pursuant to Education Code Section 49533. Though formally known as the Child Nutrition Advisory Council, the Council has informally added physical activity to the issues on which it provides guidance and advice to the State Board of Education. The Council is composed, by statute, of 13 members who serve three-year, staggered terms (except for a student representative, who serves a one-year term). Each member is to represent a special interest area within child nutrition, except for one member who is to be a "lay person." The lay person position is currently vacant. The terms of two current members expire December 31, 2003, and both have asked to be reappointed.

Informally (without appointment by the State Board), the Council has added several "advisory members" to its composition, two being experts in physical education and activity and one being a school business official.

Summary of Key Issue(s).

Recommended reappointment for three-year terms (January 1, 2004, through December 31, 2006) of:

- Lloyd Porter, representative of classroom teachers
- Rob Challinor, representative of curriculum coordinators

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Brief biographical points regarding Dr. Porter and Mr. Challinor.

Dr. Lloyd Porter

- Member of the statewide Board of Directors of the California Teachers Association (CTA).
- High School Independent Studies teacher in the Placentia Yorba Linda Unified School District.
- Serves on the Student Nutrition Advisory Council in the Placentia Yorba Linda Unified School District.
- Served on the First Lady Sharon Davis's Child Nutrition Task Force Advisory Board.
- Post-graduate degree in Nutrition.
- Served on CNAC since January 1997, including four years as CNAC chair.
- Former CTA Liaison to the State Board of Education.

Rob Challinor

- Has been a public school educator for 23 years, including nine years as a special education teacher, two years as a junior high school Assistant Principal, five years as junior high school Principal, five years as high school Principal, and three years in current position of Assistant Superintendent of Educational Services in the Hesperia Unified School District, a 15,000-student district in San Bernardino County.
- During teaching career, coached baseball at the high school and college levels, as well as high school golf.
- Educational background includes University of Redlands, B.A. in Physical Education and History; California State University San Bernardino, M.A. in Education; Physical Education teaching credential; Severely Handicapped Specialist credential; and Administrative Services credential.
- Senior Associate, California School Leadership Academy.
- ACSA Personnel Academy, Personnel Administrators Academy
- Served the local ACSA management organization, Mountain Desert Managers, as both Membership Chair and President.
- Recognized as the ACSA Region 12 Curriculum and Instruction Administrator of the Year.

CALIFORNIA STATE BOARD OF EDUCATION ITEM # 43

NOVEMBER 2003 AGENDA

SUBJECT:	
Appointments to Advisory Commission on Charter Schools.	X ACTION X INFORMATION __ PUBLIC HEARING

RECOMMENDATION:
Reappoint three members of the Advisory Commission on Charter Schools, representing (respectively) charter schools, teachers, and school district governing board members, pursuant to Education Code Section 47634.2(b) and State Board Policy 01-04, for two-year terms commencing January 1, 2004.

Summary of Previous State Board of Education Discussion and Action.

The State Board appoints members to the Advisory Commission on Charter Schools (ACCS) pursuant to Education Code Section 47634.2(b) and State Board Policy 01-04. The ACCS is composed of nine members, eight of whom serve two-year, staggered terms. The ninth member is a designee of the State Superintendent. Members represent specific interest area within the education community, including school district superintendents, charter schools, teachers, parents (guardians), members of the governing boards of school districts, and county superintendents of schools.

Summary of Key Issue(s).

Recommend reappointment for two-year terms (January 1, 2004, through December 31, 2005) of the following:

- Steve Barr, representative of charter schools
- Tom Conry, representative of teachers
- Beth Hunkapiller, representative of school district governing board members

The term of the representative of school district superintendents also expires on December 31, 2003; the incumbent is not eligible for reappointment. A recommendation to fill that position will be made at the January 2004 State Board meeting.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Brief biographical sketches of Mr. Barr, Mr. Conry, and Ms. Hunkapiller.

Steve Barr

Mr. Barr founded the Green Dot Public Schools in 1999. Green Dot's first school was launched on August 12, 2000, with the opening of Animo Leadership Charter High School. Animo Leadership was the first comprehensive public high school opened in the Los Angeles area in thirty years. Under Mr. Barr's leadership, Green Dot built on the success of the first Animo, by opening Animo Inglewood Charter High School in August 2002 (as a State Board of Education-chartered school) and Oscar de la Hoya High School (in the Boyle Heights area of Los Angeles) in August 2003. He is a founding member of the Charter Leadership Council.

Mr. Barr co-founded *Rock The Vote* in the summer of 1990. The *Rock The Vote* campaigns and field efforts led the way in the first upward surge in 18-24 year old in voting since the passage of the 26th Amendment. In 1994, he led the successful efforts to pass the *Motor Voter Bill*, which was signed into law in that year by President Clinton.

Mr. Barr hosted President Clinton's National Service Inaugural event, which led to Americorps. He oversaw an after-school program Americorps project in South Central and East Los Angeles working with transitional welfare mothers and mentoring groups.

Mr. Barr served as a correspondent on the nationally syndicated Disney-produced *The Crusaders*, and currently contributes to Discovery Channel's *Why Things Are?* He was the co-producer of the Peabody Award winning *Rock The Vote* Fox Network Voting Special in 1992.

Mr. Barr authored *The Flame, The Story Of An Unlikely Patriot* (Morrow, 1987). In the spring of 1998, he joined technology leaders and education reform advocates from in Silicon Valley in forming Californians For Public School Excellence (CPSE). CPSE led the change of California's charter school laws. He represents charter schools on the ACCS.

Tom Conry

Mr. Conry is a teacher in a non-charter public school in the Vista Unified School District. He resides in Oceanside, California. He serves on the Board of Directors of the California Teachers Association and represents teachers on the ACCS.

Beth Hunkapiller

Mrs. Hunkapiller is a nine-year member of the Board of Education of the San Carlos Elementary School District in San Carlos, California. She is also a founder of the San Carlos Charter Learning Center, the first school to receive a charter in California. Mrs. Hunkapiller is a board member of Aspire Public Schools whose mission is to raise the academic achievement of California's diverse students, to develop outstanding educators, to catalyze change in public schools, and to share successful practices with forward-thinking educators. Mrs. Hunkapiller represents school governing board members on the ACCS.

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 44

NOVEMBER 2003 AGENDA

SUBJECT	X	Action
2004 Health Primary Adoption of Instructional Materials: Revised Timeline	☐	Information
	☐	Public Hearing

Recommendation:

Review and approve the revised Timeline for the 2004 Health Primary Adoption of Instructional Materials.

Summary of Previous State Board of Education Discussion and Action

December 11, 2002: The State Board adopted the Timeline for the 2004 Health Primary Adoption of Instructional Materials

Summary of Key Issue(s)

On September 19, 2003, the Curriculum Commission approved revisions to the Timeline for the 2004 Health Primary Adoption of Instructional Materials.

These minor revisions correct errors and bring the timeline in line with the State Board's meeting schedule. In the revised timeline, the words "submitted programs" replace "planned submissions," and the words "grade-level emphases" replaced "standards." Two items also have been added to the timeline in order to coincide with the State Board's new meeting schedule. The Curriculum Commission will forward its recommendations on submitted programs to the State Board in October 2004 for information. The State Board will hold a public hearing and take action on the submitted programs in November 2004, instead of December 2004. Finally, the timeline includes a date for the post adoption briefing for all approved publishers as January 28, 2005.

The State Board's approval to these minor revisions is needed for those who are interested in participating in the 2004 Health Adoption of Instructional Materials.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachment 1: The 2004 Health Primary Adoption Timeline revisions (Pages 1-2)

Revised 2004 Health Primary Adoption Timeline

Dates	Key Events
March 6, 2002	State Board adopts Framework and evaluation criteria
November 14-15, 2002	Curriculum Commission recommends timeline to SBE on adoption of instructional materials
December 2002-January 2003	State Board reviews and approves timeline on K-8 adoption of instructional materials
May 16, 2003	Framework and evaluation criteria briefing for publishers
March 1 – August 1, 2003	Recruit Instructional Materials Advisory Panels (IMAPs) and Content Review Panels (CRPs)
September 2003	Commission examines IMAPs and CRPs application and votes to extend recruitment period.
October 3, 2003	Notification of Invitation to Submit Meeting sent to producers and publishers of instructional materials.
November 7, 2003	Deadline for publisher response to Invitation to Submit Meeting (ITS).
November 6-7, 2003	Commission votes to recommend IMAPs and CRPs to State Board
December 12, 2003	Invitation to Submit meeting for representatives of publishers/producers.
January 2004	SBE action on IMAP and CRP nominees
February 27, 2004	Deadline for receipt by California Department of Education (CDE) of submission diskette, technology requirements, and Publisher's Checklist indicating Alternate Sampling Plan requests. Publishers also provide a short narrative description of the submitted program.
March 12, 2004	Distribution by CDE of requests for price quotations.
March 19, 2004	Deadline for publishers to request written permission from CDE to sample materials in other than final form.
April 6-8, 2004	IMAP & CRP training and publisher presentations.
April 13, 2004	Deadline for instructional resource samples and Grade-Level Emphases Maps to be received by designated sites and persons as directed by the Department.
May 20-21, 2004	Legal and Social Compliance Review

Revised 2004 Health Primary Adoption Timeline (continued)

May 2004	Materials on display at Learning Resource Display Centers (LRDCs) throughout the state. Forms for public comment are available at the centers.
June 10, 2004	Deadline for receipt by CDE of price quotations, including transportation costs
June 25, 2004	Distribution of notices of noncompliance with social content requirements to publishers/producers
July 8, 2004	Deadline for publishers/producers to withdraw from the adoption
July 19-23, 2004	Deliberations by CRPs and IMAPs
July 30, 2004	Deadline for receipt by CDE of publishers' responses to noncompliance notices (legal compliance)
September 2004	Curriculum Commission Meeting: Public hearings conducted by Subject Matter Committee(s) and full Commission; Commission takes action
September 2004	Notify public regarding LRDC public display of recommended resources for adoption
September-October 2004	Required 30-day public display of recommended resources at LRDCs. Forms for public comment are available at the centers.
October 2004	If needed, edits/corrections meeting
October 2004	Curriculum Commission forwards recommendations for information to State Board of Education.
November 9-10, 2004	Curriculum Commission presents recommendations to State Board of Education (SBE). SBE holds public hearing and takes final action.
December 2004-January 2005	Finalize SBE Adoption Report – Post on SBE and CDE web site
December 2004-January 2005	Distribution of Price Lists and Order Forms to school Districts
January 28, 2005	Post adoption briefing for all approved publishers
February 9, 2005	Deadline for receipt of final printed resources including legal compliance corrections or change (60 days after SBE action)
February 2005	Deadline for publisher to send materials for Braille Transcription

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 45

NOVEMBER 2003 AGENDA

SUBJECT		
2005 History-Social Science Primary Adoption Timeline	☒	**Action**
	☐	**Information**
	☐	**Public Hearing**

Recommendation:

Approval of *2005 History-Social Science Primary Adoption Timeline*

Summary of Previous State Board of Education Discussion and Action

The primary adoption of instructional materials in History-Social Science for grades K-8 occurs every six years. The State Board of Education last adopted instructional materials in history-social science for grades K-8 in 1999. In preparation for the 2005 History-Social Science Primary Adoption the State Board of Education adopted *Criteria for Evaluating Instructional Materials in History-Social Science, Kindergarten Through Grade Eight* on January 8, 2003.

Summary of Key Issue(s)

The *2005 History-Social Science Primary Adoption Timeline* contains the key dates for the adoption of instructional materials for grades K-8. The timeline follows the pattern set by the 2003 Foreign Language and the 2004 Health adoptions. Initial submission of instructional materials will take place in April 2005 with Commission action on recommendations in September and State Board action in November. This timeline was reviewed and approved by the Curriculum Development and Supplemental Materials Commission on September 19, 2003.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

1. 2005 History-Social Science Primary Adoption Timeline

2005 HISTORY SOCIAL SCIENCE PRIMARY ADOPTION TIMELINE

Dates	Key Events
January 8, 2003	State Board adopts History-Social Science evaluation criteria (at least 30 months in advance of the adoption).
May 16, 2003	Publishers' Briefing to review History-Social Science Evaluation Criteria.
September 19, 2003	Curriculum Commission approves time line for adoption.
November 6-7, 2003	Curriculum Commission approves application forms for IMAP and CRP members.
February-August 15, 2004	Recruit History-Social Science Instructional Materials Advisory Panel (IMAP) and Content Review Panel (CRP) members.
September 2004	Commission votes to recommend History-Social Science IMAP and CRP members to State Board of Education (SBE).
November 9-10, 2004	State Board Appoints IMAP and CRP Members.
November 15, 2004	Notification of HSS Invitation to Submit Meeting sent to producers and publishers of instructional materials.
December 27, 2004	Deadline for publisher response to Invitation to Submit Meeting (ITS).
January 11, 2005	Invitation to Submit meeting for representatives of publishers and producers.
March 1, 2005	Deadline for receipt by California Department of Education (CDE) of submission information including: technology requirements, publisher's checklist, alternate sampling plan request (if any), and program description.
March 10, 2005	Deadline for publishers to request written permission from CDE to sample materials in less-than-final form.
April 4-8, 2005	IMAP & CRP training and publisher presentations.
April 15, 2005	Distribution of requests for price quotations by CDE.
April 22, 2005	Deadline for receipt of instructional resource samples submitted for adoption by all designated evaluation/shipping locations.
May - November 2005	Materials on display at Learning Resource Display Centers (LRDCs) throughout the state. Forms for public comment are available at the centers.
June 15, 2005	Deadline for receipt by CDE of price quotations, including transportation costs.
June 22-24, 2005	Legal and Social Compliance Review

2005 HISTORY SOCIAL SCIENCE PRIMARY ADOPTION TIMELINE

Dates	Key Events
June 28, 2005	Deadline for publishers/producers to withdraw from the adoption. (Not less than 7 working days from the start of deliberations.)
July 8, 2005	Distribution of notices of noncompliance with social content requirements to publishers/producers. (Publishers have 30 working days to respond to citations.)
July 11-14, 2005	Deliberations by CRPs and IMAPs.
August 19, 2005	Deadline for receipt by CDE of publishers' responses to notices of noncompliance with social content requirements.
September 2005	Curriculum Commission Meeting: Public hearings conducted by Subject Matter Committee(s) and full Commission; Commission takes action.
September 2005	Public notification regarding LRDC public display of recommended resources for adoption.
October 2005	Required 30-day public display of recommended resources at LRDCs. Forms for public comment are available at the centers.
November 2005	Curriculum Commission presents recommendations to State Board of Education (SBE); SBE conducts public hearing; SBE action
December 2005	Post adoption briefing for all approved publishers.
January 2006	Finalize SBE Report for CDE website.
January 2006	Deadline for receipt of final printed resources reflecting legal compliance correction (60 days after SBE action).
January 2006	Deadline for publisher to send materials for Braille Transcription.
February 2006	Distribution of Price Lists and Order Forms to school Districts.

CALIFORNIA STATE BOARD OF EDUCATION **ITEM # 46**

NOVEMBER 2003 AGENDA

SUBJECT		
2003 Foreign Language Primary Adoption of Instructional Materials: Curriculum Commission Recommendations	☒	Action
	☐	**Information**
	☒	**Public Hearing**

Recommendation:

Hold a public hearing, review, and take action on the Curriculum Commission's recommendations for the 2003 Foreign Language Adoption for K-8 instructional materials at the November 12-13, 2003, State Board of Education Meeting.

Summary of Previous State Board of Education Discussion and Action:

The last adoption of K-8 foreign language instructional materials took place in 1991. In May 2000, the State Board took action allowing districts to purchase materials from the 1991 list until a new adoption took place in 2003.

May 2001: The State Board adopted the *Foreign Language Framework* (May 2001), which included the evaluation criteria.

April 24, 2002: The State Board of Education adopted the *2003 Foreign Language Adoption Timeline.*

November 14-15, 2002, January 8-9, 2003, March 12-13, 2003: The State Board of Education approved the appointment of Language Expert (LE) and Instructional Materials Advisory Panel (IMAP) members to review instructional materials for the 2003 Foreign Language Primary Adoption.

October 2003: An information item, including a listing of programs recommended by the Curriculum Commission, was forwarded to the State Board.

Summary of Key Issue(s)

Language Learning Continuum:
The State Board Adopted *Foreign Language Framework* (May 2001) is centered on the Language Learning Continuum that outlines instruction that is based on the level of students' abilities in listening, speaking, reading, and writing. The Language Learning Continuum marks five stages for measuring student progress with each stage indicating a level of vocabulary, language structure, fluency, and comprehension. Language Learning Continuum stages are not grade level dependent but describe where students

Summary of Key Issue(s)

are in the acquisition of another language. For example, students who begin language study at the elementary, middle, or high school are at stage 1. The Language Learning Continuum was developed through the efforts of the Achievement Project, a collaborative effort of the College Entrance Examination Board, the American Council on the Teaching of Foreign Languages, and the New England Network of Academic Alliances and was reprinted with permission of the College Entrance Examination Board.

Publishers' Meeting:
On January 29, 2003, the Curriculum Frameworks and Instructional Resources (CFIR) Division conducted a Publishers' Invitation to Submit Meeting, which outlined the pertinent parts of the *Education Code* and explained the regulatory requirements for participation in the adoption process.

Training:
On March 24-27, 2003, thirty-four State Board appointed Language Expert and Instructional Materials Advisory Panel (LE/IMAP) reviewers were trained in the evaluation criteria and Language Learning Continuum in Sacramento.

Deliberations:
The 2003 Foreign Language Primary Adoption deliberations were conducted for six panels on July 7-10, 2003, in Sacramento. Deliberations for the German panel were conducted on August 6-7, 2003, at the California Department of Education.

Legal and Social Compliance Review:
LE/IMAP members conducted a concurrent Legal and Social Compliance review with their review of materials for content. A committee of two Commissioners and three LE/IMAP members held a public meeting on June 16, 2003, and reviewed the citations. Forty-one citations were sent forth to publishers. Publishers were notified of citations made for their program(s), and apprised of the need to make revisions in their programs. Seven legal and social compliance citations were appealed, and all of these appeals were upheld by the first level appeals committee. The first level appeals committee consisted of one Curriculum Commissioner and three LE/IMAP members and met on August 8, 2003.

September Commission Meeting:
At the September 18-19, 2003, Curriculum Commission Meeting, the Commissioners reviewed the LE/IMAP Report of Findings, held two public hearings, and took action on the twenty programs submitted for adoption in five languages. According to the State Board Adopted *Foreign Language Adoption Timeline*, the State Board was originally scheduled to take action on the Curriculum Commission's Recommendation Report for Foreign Language in December 2003. Due to changes in the State Board's meeting schedule, the Curriculum Commission's Recommendation Report for Foreign Language is being forwarded to the State Board with a request for action at their November 12-13, 2003, meeting.

Summary of Key Issue(s)

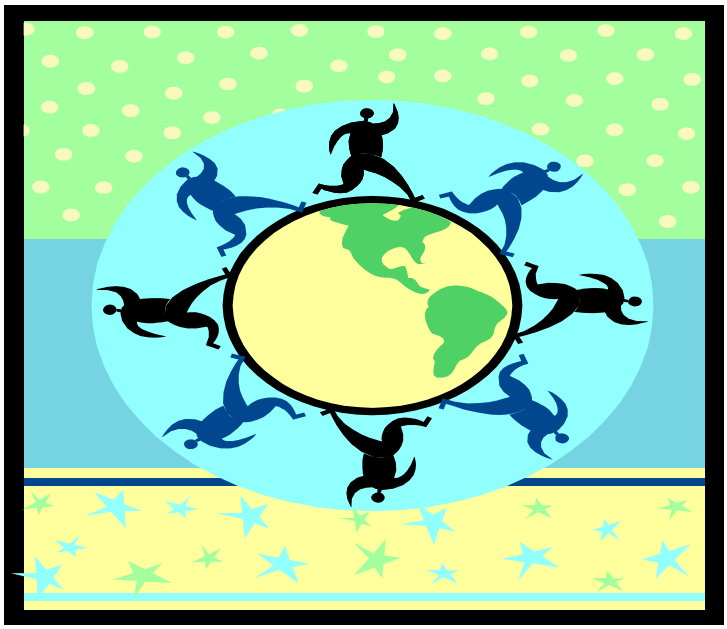
Edits and Corrections:
A meeting with publishers for minor edits and corrections well be held on October 23, 2003, prior to Board action in November.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

Attachment 1: Copy of the Curriculum Commission's Recommendation Report for the 2003 Foreign Language Primary Adoption (Pages 1-50).



2003 FOREIGN LANGUAGE PRIMARY ADOPTION

REPORT OF THE CURRICULUM DEVELOPMENT AND SUPPLEMENTAL MATERIALS COMMISSION

NOVEMBER 2003

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INTRODUCTION

The State Board of Education (SBE) adopted the timeline for the 2003 Foreign Language Primary Adoption on April 24, 2002, and made minor revisions in the timeline on February 5, 2003. The timeline reflects the requirements of *Education Code* section 60200, which sets forth statutory requirements for the adoption of instructional materials for use in kindergarten through grade 8.

The 2003 Foreign Language Primary Adoption is the first adoption of K-8 instructional materials in foreign language since 1991. Based on the *Foreign Language Framework* adopted by the State Board of Education (SBE) in May 2001, this adoption marks the first time the Language Learning Continuum was used as an integral part of the evaluation criteria. The Language Learning Continuum describes language instruction in terms of what students are expected to accomplish at each stage. Developed as a means for publishers, Language Experts, and Instructional Materials Advisory Panel (IMAP) members to more accurately evaluate a program's alignment with the Language Learning Continuum, the Language Learning Continuum Forms and the evaluation criteria were discussed during the Foreign Language Subject Matter Committee meetings on March 22, 2002, May 16, 2002, and on September 19, 2002. The Commission approved the Language Learning Continuum Forms at their meeting on September 19, 2002.

In order to provide information to the publishers about the evaluation criteria, and in particular, the Language Learning Continuum Forms, an informational meeting was held for publishers on June 27, 2002.

The Curriculum Commission recommends instructional materials to the State Board, and the State Board adopts basic instructional materials in any subject which the State Board determines the adoption of instructional materials to be necessary. Supplementary materials (covering less than an entire course) are not considered within this adoption.

This adoption includes basic instructional materials for foreign language designed for grades K-8. Programs are recommended for adoption based on grade levels submitted by publishers, Language Learning Continuum stage(s), and meeting the evaluation criteria categories.

ADOPTION PROCESS

FRAMEWORK OVERVIEW MEETING AND PUBLISHERS' INVITATION TO SUBMIT MEETING

On Tuesday, January 28, 2003, a briefing on the *Foreign Language Framework* was held for all interested publishers.

A Publishers' Invitation to Submit (ITS) Meeting was held on Wednesday, January 29, 2003. The ITS meeting invited the publishing community to consider participation in the 2003 Foreign Language Primary Adoption, and provided publishers with guidelines and

the necessary technical information needed for their participation. Representatives from sixteen publishing companies attended the meeting.

LE/IMAP APPOINTMENT AND TRAINING

In preparing recommendations to forward to the State Board, the members of the Curriculum Commission were assisted by individuals who composed the Language Expert /Instructional Materials Advisory Panels (LE/IMAPs), appointed by the State Board. LE/IMAPs were appointed by the State Board based on the recommendations from the Curriculum Commission in November 2002, January 2003, and March 2003. The Curriculum Framework and Instructional Resources Division (CFIR) staff assisted the Curriculum Commission in its training of reviewers in March 2003, for the 2003 Foreign Language Primary Adoption. The seven LE/IMAP teams were comprised of thirty-four members, including classroom teachers, school administrators, local board members, and parents.

LE/IMAP REVIEW AND JOINT ADVISORY REPORTS OF FINDINGS

During April 2003, LE/IMAP members and Curriculum Commission members received complete sets of instructional materials that were assigned to each panel to review and evaluate according to the criteria. Panelists conducted their independent reviews of the materials during the months of April, May, June, and the beginning of July.

From July 7-10, 2003, six of the seven panels met in Sacramento for deliberations, with all members sharing their notes and citations that had been developed during their independent review of the materials. The LE/IMAP members met in their assigned panels for most of the week, with a member of the Curriculum Commission acting as a group facilitator, and support from the CFIR Division staff. During deliberations, publishers were provided time to respond to formal questions developed by the LE/IMAP members on their respective programs.

The seventh panel, which reviewed a program in German, met August 6-7th to conduct deliberations, and followed the same procedures for deliberations and publisher's response.

The training process and deliberations session were conducted in accordance with the *Bagley-Keene Open Meeting Act.* Various publisher representatives and interested members of the public attended the panel discussions. Every afternoon, at a pre-determined time, the training and deliberations would pause to provide an opportunity for public comment.

The LE/IMAP members worked collaboratively during the deliberations week to produce a completed, joint LE/IMAP Report of Findings for each program with the following sections: Program Summary, Recommendation, Foreign Language Content/Alignment with Curriculum, Program Organization, Assessment, Universal Access, Instructional Planning and Support, and (optionally) Other Comments. The reports included citations that were exemplary (not exhaustive) of the panels' findings and recommendations. The advice of the LE/IMAP panels was considered by the Commission in conjunction with other

information in determining whether the individual programs submitted by publishers satisfied, or did not satisfy the State Board adopted evaluation criteria for this adoption.

LEGAL AND SOCIAL COMPLIANCE REVIEW

Due to the unique characteristic of foreign language instructional material, LE/IMAP members received training in Legal and Social Compliance during the training week, March 24-27, 2003. LE/IMAP members were asked to send legal and social compliance citations to CFIR by June 2, 2003. On June 16, 2003, a committee consisting of two Commissioners and three LE/IMAP volunteers held a public meeting to review potential citations sent in by the LE/IMAP members. Both the LE/IMAP members and the committee used the standards contained in *Education Code* sections 60040-60045, 60048, 60200, and State Board policy as outlined in the *Standards for Evaluating Instructional Materials for Social Content (2000 Edition).* The standards address such areas as the accurate portrayal of cultural and racial diversity, equitable and positive roles for males and females, disabled people, ethnic and cultural groups and the elderly. This was the third adoption to implement the provisions of AB 116, Mazzoni (Chapter 276, Statutes of 1999), that prohibits (with certain exceptions) the inclusion of commercial brand names, specific commercial product references, or corporate or company logos in adopted instructional materials.

At the June 16, 2003, meeting, the committee reviewed 135 citations and sent 41 of the citations on to the individual publishers for response by August 1st. Two publishers appealed 7 of the 41 citations. The first level appeals meeting was held on Friday, August 8, 2003. All appeals were accepted by the first level appeals committee. The remainder of the citations were resolved when publishers agreed to make minor revisions to their programs. (See Appendix C).

PUBLIC COMMENT AND REVIEW

Instructional materials submitted for adoption were displayed for public review and comment, beginning April 10, 2003, at 23 Learning Resources Display Centers (LRDCs) throughout the state (See Appendix B). The general public was given an opportunity to provide written comments through October 31, 2003. Public comments will be reviewed and presented to the State Board at their November meeting, in accordance with their procedure.

CURRICULUM COMMISSION REVIEW AND DELIBERATIONS

On September 19, 2003, the members of the Curriculum commission reviewed all of the LE/IMAP Advisory Reports. During the Foreign Language Subject Matter Committee (FL SMC) Meeting, held September 18, 2003, each program was discussed in-depth, covering the review of minor edits and corrections as recommended by the LE/IMAP Report of Findings, and individual Commissioners who had conducted their own independent review of the programs. After the discussion at the FL SMC level, each

program submission received a roll-call vote. The motion was stated in the affirmative. A majority vote from the SMC was required for any program to be recommended.

After receipt of the SMC report at the full Commission level, there was further discussion. Following this discussion, the Commission Chair proceeded to ask for a motion and a second on each program submission. Again, the motion was stated in the affirmative; there was a final roll call vote for each program. The recommendations were (1) to recommend for specific stages or, (2) to recommend for specific stages with minor edits and corrections at both levels. Nine Commissioners were required to vote in the affirmative to recommend any program. The Curriculum Commission's recommendations were presented to the State Board on November 12, 2003, for information, with State Board action on November 13, 2003.

EDITS MEETING

On October 23, 2003, the publishers' Edits and Corrections Meeting is scheduled to occur and the chair of the Curriculum Commission will preside. At the November meeting, a report will be provided prior to the State Board action on this adoption.

PUBLISHERS' RESPONSIBILITIES IF ADOPTED

According to the provisions of Education Code 60061, and the California Code of Regulations, Title 5, publishers are required to follow guidelines of the Most Favored Nation clause which ensures that publishers furnish the instructional materials in California at the same price or at the lowest price offered in other states. In addition, publishers are required to fill a textbook order within sixty days of the date of a submitted purchase order. Should the publisher or manufacturer fail to deliver instructional materials within sixty days of the receipt of a purchase order from a school district, the school district may assess as damages an amount up to five hundred dollars for each working day the order is delayed beyond sixty calendar days.

Curriculum Development and Supplemental Materials Commission 2003 Foreign Language Primary Adoption Recommendations to the State Board of Education*

Language and Grades	Publisher: *Program Title*	Recommendations of the Curriculum Commission to the State Board
FRENCH		
Grd. 6-8	Glencoe/McGraw-Hill *Glencoe French I* *Bon Voyage!*	Recommend stages 1 and 2
Grd. 6-8	Holt, Rinehart and Winston *Allez,viens! Holt French*	Recommend stage 1
Grd. 6-8	McDougal, Littell & Company *Discovering French, Nouveau!*	Recommend stages 1 and 2
GERMAN		
Grd. 6-8	McDougal-Littell *Auf Deutsch!*	Recommend stages 1 and 2
JAPANESE		
Grd. 7&8	Cheng and Tsui *Adventures in Japanese*	Not recommended
Grd. 6-8	Cheng and Tsui *Mirai*	Recommend stages 1 and 2
Grd. 7&8	Cheng and Tsui *Tsumiki*	Not recommended
LATIN		
Grd. 6-8	Cambridge University Press *Cambridge Latin Course*	Recommend stages 1, 2,and 3
Grd. 6-8	Glencoe/McGraw-Hill *Glencoe Latin I* *Latin for Americans*	Recommend stages 1 and 2
Grd. 6-8	Prentice-Hall, Inc. *Ecce Romani*	Recommend stage 1

Language and Grades	Publisher: *Program Title*	Recommendations of the Curriculum Commission to the State Board
SPANISH		
Grd. 6-8	Glencoe/McGraw-Hill *Glencoe Spanish I* *¡Buen Viaje!*	Recommend stages 1 and 2
Grd. 6-8	Glencoe/McGraw-Hill *Glencoe Middle School Spanish ¿Como Te Va?*	Recommend stage 1
Grd. 6-8	Holt, Rinehart and Winston *¡Ven conmigo! Holt Spanish*	Recommend stage 1
Grd. 6-8	McDougal, Littell & Company *Tu mundo/Nuestro mundo*	Recommend stages 3 and 4
Grd. 6-8	McDougal, Littell & Company *¡En Español!*	Recommend stages 1 and 2
Grd. 6-8	Prentice Hall, Inc. *Realidades A & B*	Recommend stage 1
Grd. K-8	REI America, Inc. *Amigos*	Not Recommended
Grd. K-8	REI America, Inc. *Nuevos Amigos*	Not Recommended
Grd. K-5	Santillana Publishing Company *Nuevo Siglo de Español*	Not Recommended
Grd. K-3	Santillana Publishing Company *Nuevo ¡Bravo, Bravo!*	Not Recommended

* "Stages" refers to the stages of the Language Learning Continuum referenced in chapter 2 of the Foreign Language Framework. The stages are part of the evaluation criteria for this adoption.

SPECIAL ISSUES

The State Board Adopted *Foreign Language Framework* (May 2001) included the Language Learning Continuum as chapter 2 of the framework. The continuum is also referenced as an important part of the evaluation criteria for foreign language instructional materials. The Language Learning Continuum identifies five stages of student progress. Each stage represents a progression, with vocabulary, language structure, fluency, and comprehension increasing at each stage. Language Learning Continuum stages are not grade level dependent; for example, a student beginning first year instruction in Spanish at 3rd grade would be at stage 1, but a student in 8th grade beginning the first year of instruction would also be at stage 1. Content would differ, but both students would be at stage 1 of the Language Learning Continuum.

In order to help the LE/IMAP members determine how the submitted programs were aligned with the language learning continuum, as required in criteria category 1 of the *Foreign Language Framework*, the Commission developed Language Learning Continuum Forms. Forms were produced for all five stages for modern languages, and a form for classical languages for the first three stages of the continuum was developed. Publishers filled out the forms for their program as part of the submission packet.

For the purposes of this K-8 adoption, most instructional materials address Stages 1-3 of the Language Learning Continuum. Stages 4 and 5 of the continuum are advanced stages requiring a great deal of knowledge of both language and culture.

In their recommendations to the State Board, the Commissioners have designated Language Learning Continuum stages. The publishers designated the grade levels of the materials as well as Language Learning Continuum stages.

CURRICULUM COMMISSION'S RECOMMENDATION OF LESS THAN FIVE BASIC PROGRAMS

Fewer than five basic instructional materials programs in foreign language were recommended by the Curriculum Commission for kindergarten through grade 5. Only four programs were submitted. The Curriculum Commission conducted its own review and concluded:

1) It was the rigor and specificity of the evaluation criteria, including the Language Learning Continuum, that resulted in fewer than five basic instructional programs in foreign language being recommended for adoption.

2) Overall, the rejected programs failed to meet the evaluation criteria, although positive comments were made about some aspects of them in the review process.

3) The evaluation criteria were applied fairly and consistently to each program during the review process.

ACKNOWLEDGEMENTS

Members of the Curriculum Commission who provided leadership throughout the planning and implementation of the 2003 Foreign Language Primary Adoption Process:

Edith Crawford, Chair, Foreign Language Subject Matter Committee, 2003; Vice Principal, Mira Loma High School, San Juan Unified School District

Karen Yamamoto, Chair, Curriculum Commission, 2003; Teacher, Washington Unified School District

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Nancy Ichinaga, State Board of Education Member and Liaison to the Curriculum Commission

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Finally, the Curriculum Commission commends and extends sincere appreciation to the publishers of instructional resources that participated in the 2003 Foreign Language Primary Adoption.

Publisher: **Glencoe/McGraw-Hill**

Title of Program: ***Glencoe French 1 Bon Voyage!***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components

The components of this program are: California Student Edition, parts A & B (SE), Audio Activities Booklet A & B, Writing Activities Workbook A & B, California Teacher Wraparound Edition A & B (TE). Additional support materials are included in the Teacher Classroom Resources A & B. Items included are: Writing Activities Workbook Teacher Edition (WAW), Situation Cards (SC), Lesson Plans (LP), Block Scheduling Lesson Plans (BSLP), TPR Storytelling Booklet (TPR), Video Program (VP) including the Video Activities Booklet (VAB), Quizzes with Answer Key (QAK), Testing Program with CD including Testing Booklet with Answer Key (TBAK) and Listening Comprehension Tests CD, Performance Assessments, and Audio Activities Booklet Teacher Edition (AAB).

Additional components are an Interactive Lesson Planner (ILP), Transparency Binder (TB), Audio Program CD (CD), Mindjogger Video Quizzes (MVQ), Examview Pro Test Bank (EPTB), and a French reader, Lisons comme ça! (LCC), Vocabulary PuzzleMaker (VPM), and Interactive Conversations CD-ROM (ICD).

Recommendation

The Curriculum Commission recommends Glencoe/McGraw-Hill's *Glencoe French I Bon Voyage!*, with minor corrections and edits, for stage 1 and 2, because it is aligned with the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category and is aligned with stages 1 and 2 of the Language Learning Continuum.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program meets the evaluation criteria in this category.

Instructional Planning and Support

This program meets the evaluation criteria in this category.

Publisher: **Holt, Rinehart and Winston**

Title of Program: ***Allez, viens! Holt French***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1

Components

Components of the program include a Student Edition (SE), Joie de lire! Reader (JDL), Enhanced Online Edition, California Teacher Edition (TE) with Lesson Planner CD-ROM (CD-ROM LP), California Lesson Planner (CLP) with Differentiated Instruction, Cahier d'activités (CDA), Travaux pratiques de grammaire (TPG), and a California Middle School Teaching Resources Binder (MSTR).

The Teaching Resources package includes: TPR Storytelling Book (TPR), Listening Activities (LA), Activities for Communication (AFC), a Video Guide (VG), teacher's edition for Travaux practiques de grammaire, Grammar Tutor for Students of French (GTSF), teacher's edition of Cahier d'activités, Reading Strategies and Skills Handbook (RSSH), Testing Program (TP), Alternative Assessment Guide (AAG), and Student Make-Up Assignments with Alternative Quizzes (SMAAQ).

Additional resources include California Standardized Assessment Tutor, Diagnostic Tests and Rubrics (DTR), and Exploratory Guide, Interactive CD-ROM (ICD), California Family and Community Guide (CFCG), Audio CD Program (ACD), Video Program (VP), Teaching Transparencies, One Stop Planner CD-ROM with Test Generator, and DVD Tutor.

Recommendation

The Curriculum Commission recommends Holt, Rinehart and Winston's *Allez, viens! Holt French*, with minor edits and corrections, for stage 1, because it is aligned with the Language Learning Continuum and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category and is aligned with the Language Learning Continuum, stage 1.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access
This program addresses the evaluation criteria in this category.

Instructional Planning and Support
This program addresses the evaluation criteria in this category.

Publisher: **McDougal, Littell & Company**

Title of Program: ***Discovering French, Nouveau!***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components

Components of the program include: Pupil Edition (PE) and Teacher Edition (TE): 1A, 1B and Level 1, Student Workbook, 1A, 1B, and Level 1 (SW), California Lesson Plans 1A, 1B, and Level 1 (CLP), California Tips and Strategies for Heritage Speakers (TSHS), Teacher to Teacher Copymasters (TTC), Overhead Transparencies and Copymasters (OTC), Audio CD Program (AP), Chansons Audio CD (CCD), Middle Schools Bridging Packet 1A and 1B (MSBP), and Images un, Pupil's Edition (IU). In addition, there are Block Scheduling Copymasters (BSC), Video Progam (VHS) (VP), Integrated DVD Program (DVD), Unit Resource Books, 1-8 (URB), Activités pour tous Workbook 1A, 1B, and Level 1 (APT), Test Generator CD-ROM with User's Guide (less than final format).

Recommendation

The Curriculum Commission recommends McDougal, Littell And Company's *Discovering French, Nouveau!,* with minor edits and corrections, for stages 1 and 2 because it is aligned with the evalution criteria.

Foreign Language Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category and is aligned with the Language Learning Continuum, stages 1 and 2.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program meets the evaluation criteria in this category.

Instructional Planning and Support

This program meets the evaluation criteria in this category.

Publisher: **McDougal, Littell & Company**

Title of Program: ***Auf Deutsch!***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components

The components of this program include: Pupil's Edition (SE) and Teacher's Edition (TE), Pupil's Edition Workbook (SEWB), Teacher's Edition Workbook (TEWB), a Distance Learning Guide (DLG), Overhead Transparencies (OT), Audio Program CD (CD), Assessment Program (AP), California Lesson Plans (CLP), California Tips and Strategies for Heritage Speakers (CTSHS), and Family Letters.

Recommendation
The Curriculum Commission recommends McDougal, Littell & Company's *Auf Deutsch!*, with minor corrections and edits, for stages 1 and 2 because it is aligned with the Language Learning Continuum and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program meets all the evaluation criteria in this category and is aligned with the Language Learning Continuum and the evaluation criteria.

Program Organization
This program addresses the evaluation criteria in this category.

Assessment
This program addresses the evaluation criteria in this category.

Universal Access
This program addresses the evaluation criteria in this category.

Instructional Planning and Support
This program addresses the evaluation criteria in this category.

Publisher: **Cheng and Tsui**

Title of Program: ***Adventures in Japanese***

Grade Level: **7 & 8**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components

The components of Cheng and Tsui's *Adventures in Japanese*, Level 1, include a student textbook (Level 1, TB), workbook (Level 1, WB), Hiragana-Katakana Workbook (Level 1, HK), a teacher's handbook (Level 1, TH), and an audio CD (Level 1, CD) for level 1. Components for level 2 include a student's textbook (Level 2, TB), workbook (Level 2, WB), teacher's handbook (Level 2, TH) and an audio CD (Level 2, CD).

Recommendation

The Curriculum Commission does not recommend Cheng and Tsui's *Adventures in Japanese* because it does not meet all categories of the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program meets all evaluation criteria in this category and is aligned with the Language Learning Continuum, stages 1 and 2.

Program Organization

This program does not meet all of the evaluation criteria in this category. The program does not provide reasonable pace of coverage and does not provide an overview of the content that designates how the lessons support the Language Learning Continuum.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program does not meet the evaluation criteria in this category.

Instructional Planning and Support

The instructional materials do not provide a clear road map for teachers to follow when planning language instruction based on the Language Learning Continuum stages in the *Foreign Language Framework.*

Publisher: **Cheng and Tsui**

Title of Program: ***Mirai***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components

The components of Cheng and Tsui's *Mirai* program include a Japanese Course Book (Stage 1, CB), Japanese Activity Book (Stage 1, AB), Japanese Teacher's Book (Stage 1, TB), and an audio CD (Stage 1, CD) for level 1. Level 2 components include a Japanese Course Book (Stage 2, CB), Japanese Activity Book (Stage 2, AB), a Japanese Teacher's Book (Stage 2, TB), and an Audio CD (Stage 2, CD).

Recommendation

The Curriculum Commission recommends Cheng and Tsui's *Mirai*, with minor edits and corrections, for stages 1 and 2, because it is aligned with the Language Learning Continuum and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program meets the evaluation criteria in this category and is aligned with the Language Learning Continuum, stages 1 and 2.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program meets the evaluation criteria in this category.

Instructional Planning and Support

This program meets the evaluation criteria in this category.

Publisher: **Cheng and Tsui**

Title of Program: ***Tsumiki***

Grade Level: **7 & 8**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components
Components of the Cheng and Tsui's *Tsumiki* program include a student book (SB), workbook (WB), teacher's resource book (TRB), and an Audio CD (CD).

Recommendation
The Curriculum Commission does not recommend Cheng and Tsui's *Tsumiki* because it does not meet all categories of the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program meets all evaluation criteria in this category and is aligned with the Language Learning Continuum, stage 1.

Program Organization
This program meets the evaluation criteria in this category.

Assessment
This program does not meet the evaluation criteria in this category. Strategies or instruments teachers can use to determine students' prior knowledge were not provided. Performance assessments and accompanying rubrics are not provided in this program.

Universal Access
This program does not meet the evaluation criteria in this category.

Instructional Planning and Support
The instructional materials do not provide a clear road map for teachers to follow when planning language instruction based on the Language Learning Continuum stages of the *Foreign Language Framework.*

Publisher: **Cambridge University Press**

Title of Program: ***Cambridge Latin Course***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1, 2 and 3

Components
This program includes a student book (SB), Omnibus Workbook (WB), Teacher's Manual ™, Stage Tests (ST), and an audio cassette/CD (AC). Unit 1 may be used as a first year Latin course, Unit 2 as a second year, and Unit 3 as third year.

Recommendation
The Curriculum Commission recommends Cambridge University Press's *Cambridge Latin Course* for stages 1, 2 and 3, with minor edits and corrections, because it is aligned with the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program addresses all the evaluation criteria in this category and is aligned with the Language Learning Continuum, stages 1, 2 and 3.

Program Organization
This program addresses the evaluation criteria in this category.

Assessment
This program addresses the evaluation criteria in this category.

Universal Access
This program addresses the evaluation criteria in this category.

Instructional Planning and Support
This program addresses the evaluation criteria in this category.

Publisher: **Glencoe/McGraw-Hill**

Title of Program: ***Glencoe Latin I Latin for Americans***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components
The components of the program include a student edition (SE), a consumable student workbook (WB), a teacher's edition of the workbook, a teacher's annotated edition (TAE), an Audio script/Audio Program CD (AP), the Vocabulary Puzzlemaker CD-ROM (PM), tests (TS) and transparencies (TB). The transparencies, Vocabulary Puzzlemaker CD-ROM, and Audio Program are designed as additional ways to present and reinforce the context of the textbook.

Recommendation
The Curriculum Commission recommends Glencoe/McGraw-Hill's *Glencoe Latin I Latin for Americans*, with minor edits and corrections, for stages 1 and 2, because it is aligned with the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program addresses all the evaluation criteria in this category for stages 1 and 2 and is aligned with the Language Learning Continuum.

Program Organization
This program addresses the evaluation criteria in this category.

Assessment
This program addresses the evaluation criteria in this category.

Universal Access
This program addresses the evaluation criteria in this category.

Instructional Planning and Support
This program addresses the evaluation criteria in this category.

Publisher: **Prentice Hall, Inc.**

Title of Program: ***Ecce Romani***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1

Components

Components include Level I student book (SB), Language Activity Books 1A and 1B (LAB), Teacher's Guide Level 1 (TE), Teacher's Language Activity Books 1A and 1B (TLAB), Test Masters (TM), audio cassettes (AC), overhead transparencies (OT), The Romans Speak for Themselves (RS).

Recommendation

The Curriculum Commission recommends Prentice Hall, Inc.'s *Ecce Romani*, with minor edits and corrections, for stage 1 of the Language Learning Continuum, because it is aligned with the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program addresses all the evaluation criteria in this category and is aligned with the Language Learning Continuum, stage 1.

Program Organization

This program addresses the evaluation criteria in this category.

Assessment

This program addresses the evaluation criteria in this category.

Universal Access

This program addresses the evaluation criteria in this category.

Instructional Planning and Support

This program addresses the evaluation criteria in this category.

Title of Program: ***Glencoe Spanish I ¡Buen Viaje!***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components

Components of this program include California Student Edition (SE), a consumable Student Tape Manual (STM), consumable, Writing Activities Workbook (WAW) and a California Teacher Wraparound Edition (TE). Teacher Classroom Resources include a Teacher Edition of the Student Tape Manual, Teachers Edition of the Writing Activities Workbook (WAWTE), Situation Cards, Lesson Plans (black line masters), Block Scheduling Lesson Plans (BSLP), TPR Storytelling (black line masters), Video Activities Booklet, Chapter Quizzes with Answer Key, Performance Assessment (PA)(black line masters), Evaluation Guide (EG) and Testing Booklet (TB) with Answer Key.

Recommendation

The Curriculum Commission recommends Glencoe/McGraw-Hill's *Glencoe Spanish I ¡Buen Viaje!*, with minor edits and corrections, because it is aligned with the Language Learning Continuum, stages 1 and 2, and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category and is aligned with the Language Learning Continuum, stages 1 and 2.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program meets the evaluation criteria in this category.

Universal Access

This program meets the evaluation criteria in this category.

Instructional Planning and Support

This program addresses the evaluation criteria in this category.

Publisher: **Glencoe/McGraw-Hill**

Title of Program: ***Glencoe Middle School Spanish ¿Como te va?***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1

Components

The components of this program for Nivel verde include: California Student Edition (hardbound) (CSE), a consumable Student Workbook (SW), Audio Activities Workbook Student Edition (consumable) (AAW), Student Edition (SE)(consumable), and a California Teacher Wraparound Edition (TE). Teacher Classroom Resources includes: Teacher Tools (TT)/ Lecciones Preliminares (TTLP)(black line masters) and Teacher Tools Unidades 1-6 (black line masters) (TTBLM). Additional components include a Transparency Binder (TB), Exam View ® Pro Test Bank (EVPTB), and Performance Assessment (PA) (black line masters).

The components for Nivel azul include: California Student Edition (SE), a consumable Student Workbook (SW), Audio Activities Workbook Student Edition (Consumable) (AAW), and California Teacher Wraparound Edition (TE). Teacher Classroom Resources Components for Nivel azul include: Teacher Tools Repaso (TT) (black line masters), and Teacher Tools Unidades 1-6 (black line masters)(TTBLM). Additional components include a Transparency Binder (TB), Exam View ®Pro Test Bank (EVPTB), and Performance Assessments (PA)(black line master).

Additional resources for this program include People en Español, Vol. I & II (PE), People en Español Teachers Guide Vol. I & II(PETG), Nosotros y nuestro mundo Student Edition (NNMSE) and Annotated Teacher Edition, ¡Canta con Justo! Music CD, Justo Lamas ¡En Vivo! Music VHS, ¡Asi leemos! (Spanish reader) and National Geographic Society/ Glencoe Atlas del Mundo.

Recommendation

The Curriculum Commission recommends Glencoe/McGraw-Hill's *Glencoe Middle School Spanish ¿Como te va?* With minor edits and corrections, for stage 1 of the Language Learning Continuum.

Foreign Language Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category for stage 1 of the Language Learning Continuum.

Program Organization
This program meets the evaluation criteria in this category.

Assessment
This program meets the evaluation criteria in this category.

Universal Access
This program meets the evaluation criteria in this category.

Instructional Planning and Support
This program meets the evaluation criteria in this category.

Publisher: **Holt, Rinehart and Winston**

Title of Program: ***¡Ven conmigo! Holt Spanish***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1

Components

Components of the program include three student editions (SE), three annotated Teacher´s Editions (ATE), a California Lesson Planner (CLP) with differentiated instruction, Lesson Planner CD-ROM (CLP-CD), a Cuaderno de Actividades (CA), Cuaderno de Gramática (CG), a Cuaderno para Hispanohablantes (CH) and a teacher's edition for each Cuaderno with answer keys.

Teaching Resources packages provide additional support for both levels and include a TPR Storytelling Book (TPR), Listening Activities (LA), Video Guide (VG), Activities for Communication (AC), Grammar Tutor (GT), Reading Strategies and Skills Handbook (RSSH), Testing Program (TP), Alternative Assessment Guide (AAG), and Student Make-up Assignments with Alternative Quizzes (SMA).

Additional components include Audio Compact Discs (ACD), Video Program (VP), California Standardized Assessment Tutor (SAT), Diagnostic Tests and Rubrics (DTR), Exploratory Guide (EG), California Family and Community Guide with Resources and Activities (CFCG) Teaching Transparencies TT), One Stop Planner CD-ROM with Test Generator (OSP), DVD Tutor (DVD), Lee conmigo (LC) and an Interactive CD-ROM tutor (CD-ROM).

Recommendation

The Curriculum Commission recommends Holt, Rinehart and Winston's *¡Ven comigo! Holt Spanish* for stage 1 because it is aligned with the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program meets all the evaluation criteria in this category and is aligned with the Language Learning Continuum, stage 1.

Program Organization

This program meets the evaluation criteria in this category.

Assessment

This program addresses the evaluation criteria in this category.

Universal Access
This program addresses the evaluation criteria in this category.

Instructional Planning and Support
This program addresses the evaluation criteria in this category.

Publisher: **McDougal, Littell & Company**

Title of Program: ***Tu mundo/Nuestro mundo***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 3 and 4

Components
The components of this program include a Pupil's Edition (SE), Teacher's Edition (TE), Cuadernos de Actividades, pupil's edition with answer key, Cuaderno de Actividades Comunicativas (Hojas de duplicación), an Audio CD Program, Complete Testing Program with Audio CD (PPE), Video Program, Placement Test Binder, Lesson Correlations to the California Language Learning Continuum, Family Letters, and Fine Art Transparencies.

Recommendation
The Curriculum Commission recommends McDougal, Littell & Company's *Tu mundo/Nuestro mundo* for stages 3 and 4 because it is aligned with the Language Learning Continuum and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program addresses the evaluation criteria in this category.

Program Organization
This program addresses the evaluation criteria in this category.

Assessment
This program addresses the evaluation criteria in this category.

Universal Access
This program addresses the evaluation criteria in this category.

Instructional Planning and Support
This program addresses the evaluation criteria in this category.

Publisher: **McDougal, Littell & Company**

Title of Program: ***¡En Español!***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1 and 2

Components

The components of this program include: California Pupil's Editions (SE) 1A, 1B and 1, California Teacher's Editions (TE) for 1A, 1B, and 1, six Unit Resource Books (URB), student workbooks for 1A , 1B, and 1, a workbook for native speakers of Spanish, 1A, 1B, and 1, a back to school packet for 1A, a Middle School Bridging Packet for 1B, a Placement Test Binder, California Lesson Plans, Posters, Visual Grammar Word Tiles, Audio Program CD (IAP), Video Program (IVP), Music CD, Sing Along Grammar and Vocabulary Songs CD, Test Generator CD-ROM, Ventana uno, Pupil's Edition, Canciones del mundo hispano CD, and Intrigas y aventuras CD-ROM.

Recommendation

The Curriculum Commission recommends McDougal, Littell & Company's *¡En Español!*, with minor edits and corrections, for stages 1 and 2 because it is aligned with the Language Learning Continuum and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program addresses the evaluation criteria in this category and is aligned with the Language Learning Continuum, stages 1 and 2.

Program Organization

This program addresses the evaluation criteria in this category.

Assessment

This program addresses the evaluation criteria in this category.

Universal Access

This program addresses the evaluation criteria in this category.

Instructional Planning and Support

This program addresses the evaluation criteria in this category.

Publisher: **Prentice Hall, Inc.**

Title of Program: ***Realidades 1, A & B***

Grade Level: **6-8**

Recommended Language Learning Continuum Stage(s): 1

Components

The program components include student and teacher editions (TE), A, B and Level 1, Teacher's Resource Book (TRB) A, B and Level 1, Practice Workbook (PW) A/ B & 1, Writing, Audio & Video workbook (WAVW) A, B & 1, Assessment Program (AP) A/B & 1, Vocabulary and Grammar Transparencies A/B & 1, Grammar Study Guides 1-2, Realidades Video Program A/B/1, Computer Test Bank with CD-ROM A/B/1, Mindpoint Quiz Show CD-ROM A/B, & 1.

The LE/IMAP reviewed Realidades 1 as well as the equivalent version of Realidades A & B, but the citations refer only to Realidades 1.

Recommendation

The Curriculum Commission recommends Prentice Hall, Inc.'s *Realidades*, with minor edits and corrections, for stage 1 because it is aligned with the Language Learning Continuum and the evaluation criteria.

Foreign Language Content/Alignment with Curriculum

This program addresses the evaluation criteria and is aligned with the Language Learning Continuum, stage 1.

Program Organization

This program addresses the evaluation criteria in this category.

Assessment

This program addresses the evaluation criteria in this category.

Universal Access

This program addresses the evaluation criteria in this category.

Instructional Planning and Support

This program addresses the evaluation criteria in this category.

Publisher: **REI America, Inc.**

Title of Program: ***Amigos***

Grade Level: **K-8**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components
Components of this program include Teacher's Guide (TE) student textbooks (SE), and workbooks (SW), levels (niveles) 1-6, music CD , posters, vocabulary flashcards, CD-ROM Spanish Interactive Activities, levels (niveles) 1-3, and Teacher Resource Materials, levels 1-6, Teacher's Testing Program (TTP).

Recommendation
The Curriculum Commission does not recommend REI, America, Inc.'s *Amigos* because it is not aligned with the Language Learning Continuum and does not meet all the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program lacks alignment with the language learning continuum.

Program Organization
This program is not organized and presented in a manner consistent with achieving the goals of providing all students with the essential knowledge and skills described in the language learning continuum.

Assessment
This program addresses the evaluation criteria in this category.

Universal Access
This program does not meet the evaluation criteria in this category. Instructional materials do not identify suggestions to adapt the curriculum for all students, including those with special needs. The program does not conform to the State Board of Education policies pertaining to diverse populations.

Instructional Planning and Support
The instructional materials do not provide a clear guide for teachers to follow when planning language instruction based on the Language Learning Continuum stages in the *Foreign Language Framework.*

Publisher: **REI America, Inc.**

Title of Program: ***Nuevos Amigos***

Grade Level: **K-8**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components
Components of this program include Levels (niveles) A-F Teacher's Guides (TE), student textbooks (SE), student workbooks (SW) and Teacher's Resources Boxes (TRB), Teacher's Testing Program, Spanish Interactive Activities CD-ROM, Level (niveles) 1-3, and Posters, A-C.

Recommendation
The Curriculum Commission does not recommend REI America, Inc.'s *Nuevos Amigos* because it is not aligned with the Language Learning Continuum and does not meet all the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program lacks consistent alignment with the Language Learning Continuum. The stages of the Language Learning Continuum were not met.

Program Organization
This program is not organized and presented in a manner consistent with achieving the goals of providing all students with the essential knowledge and skills described in the language learning continuum. Student outcomes and goals are not frame-work based. Activities and texts do not lead to the development of more complex concepts and understandings. Indices, glossaries, content summaries, and assessment guides are not designed to help teachers, parents or guardians, and students.

Assessment
This program addresses the evaluation criteria in this category.

Universal Access
This program does not meet the evaluation criteria in this category.

Instructional Planning and Support
This program does not provide a clear guide for teachers to follow when planning language instruction based on the Language Learning Continuum stages in the *Foreign Language Framework.*

Santillana Publishing Company

Title of Program: ***Nuevo Siglo de Español***

Grade Level: **K-5**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components
Components of the program include: Teacher's Guides (TG), Blackline Masters Resources (BMR), Student Books (SB), Student Workbooks (WB), Classroom Libraries (CL), Audio CDs for levels K-1 (ACD), La Cartilla phonics program for K-1 (LC).

Recommendation
The Curriculum Commission does not recommend Santillana Publishing Company's *Nuevo ¡Bravo, Bravo!* Because it is not aligned with the Language Learning Continuum and does not meet all the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program is not fully aligned with Language Learning Continuum and the evaluation criteria. A list of evidence, with page numbers and/or appropriate references, that demonstrates alignment with the stage(s) of the Language Learning Continuum is not provided. Therefore, accurate content to support foreign language instruction in the areas of listening, speaking, reading, and writing is not provided nor aligned for students to be able to demonstrate proficiency on the designated stage of the Language Learning Continuum. This program does not provide opportunities for students to increase their knowledge and understanding of a foreign language through the study of literature, art, history, philosophy, and cultures(s) for each of the stages of the Language Learning Continuum.

Program Organization
This program meets the evaluation criteria in this category.

Assessment
This program does not meet the evaluation criteria in this category. The program does not provide ways for teachers to measure what students know and are able to do. It does not provide assessment tools that provide information teachers can use in planning and modifying instruction to help all students meet or exceed the proficiency levels to the designated stage of the Language Learning Continuum.

Universal Access
This program does not meet the evaluation criteria in this category. Suggestions based on current and confirmed research for ways to adapt the curriculum and the instruction to meet students' identified special needs are lacking. Strategies to help students below grade level in reading language arts, suggestions for advanced learners, and strategies to help heritage learners to learn and understand all aspects of the language are missing.

Instructional Planning and Support
This program does not meet the evaluation criteria in this category. This program lacks strategies to address common student errors, a variety of pedagogical strategies for flexible grouping of students, demonstration of electronic resources for teachers that depict appropriate techniques and teaching suggestions, and references and resources for the teacher to provide further study of the language.

Publisher: **Santillana Publishing Company**

Title of Program: ***Nuevo ¡Bravo, Bravo!***

Grade Level: **K-3**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components
Components of this program include: Two Student Workbooks (WB1 and WB2), Student Books (SB), Teacher's Guides (TG), CD (K, 1), Evaluations (E), Student and Teacher's Kits (K, 1), Classroom Libraries (CL), Poster Books (PB), Big Books (BB), Student Book Sets (SBS), and Classroom Kits (CK).

Recommendation
The Curriculum Commission does not recommend Santillana Publishing Company's *Nuevo ¡Bravo, Bravo!* because it is not aligned with the Language Learning Continuum and does not meet all the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program lacks consistent alignment with the Language Learning Continuum. Students are not given opportunities to use technology to practice communication in the language and access information about the language. Additionally, the program does not provide substantial writing opportunities in a foreign language through direct instruction, such as independent writing assignments that focus on the students improving and demonstrating proficiency.

Program Organization
This program is not presented in a manner consistent with achieving the goals of providing all students with the essential knowledge and skills described in the Language Learning Continuum.

Assessment
This program does not meet the evaluation criteria in this category. It does not offer strategies or instruments for teachers to determine students' prior knowledge. The assessment materials lack accompanying rubrics that can be used to evaluate and improve the quality of students' work.

Universal Access
This program does not meet the evaluation criteria in this category. It does not offer strategies or instruments for teachers to determine students' prior knowledge. The assessment materials lack accompanying rubrics that can be used to evaluate and improve the quality of students' work.

Instructional Planning and Support

The instructional materials do not provide a clear roadmap for teachers to follow when planning language instruction based on the Language Learning Continuum stages in the *Foreign Language Framework.*

APPENDIX A

Chapter 8: The Criteria for Evaluating Kindergarten-Through-Grade-Eight Foreign Language Instructional Materials

These criteria evaluate the alignment of instructional materials with the Language Learning Continuum, the content of the framework, and the quality of those materials in the areas of program organization, assessment, universal access, and instructional planning and support. They will guide the development and govern the adoption cycle of kindergarten-through-grade-eight instructional materials beginning in 2003. They do not recommend or require one particular pedagogical approach. The numerical order of the criteria within each category does not imply relative importance; all criteria must be addressed. They may also be used by publishers and local educational agencies as a guide for the development and selection of instructional materials for grades nine through twelve.

These criteria are organized into five categories:

1. **Curriculum Content:** The content as specified in the *Foreign Language Framework*
2. **Program Organization:** The sequence and the organization of the foreign language program
3. **Assessment:** The strategies presented in the instructional materials for measuring what students know and are able to do
4. **Universal Access**: The information and ideas that address the needs of special student populations, including students eligible for special education, advanced students, students who are studying a heritage language, and students whose achievement in reading/language arts is either below or above that typical of the class or grade level
5. **Instructional Planning and Support:** The instructional planning and support information and materials, typically including a separate edition specially designed for use by the teacher, that assist teachers in the implementation of the foreign language program

Foreign language materials must support teaching aligned with the framework. Materials that fail to meet the foreign language content criteria will not be considered satisfactory for adoption. Only those programs determined to meet criterion category 1 need to be evaluated under criteria categories 2 through 5.

In an effort to create focused foreign language instructional materials, publishers are asked to concentrate on the content as described in the framework. Extraneous content is fundamentally contrary to and detracts from the ability of teachers to teach readily and students to learn thoroughly the content specified by the Language Learning Continuum and the *Foreign Language Framework.*

Criteria Category 1: Foreign Language Content/Alignment with Curriculum

Instructional materials support teaching and learning the skills and knowledge called for at the different stages as outlined in the Language Learning Continuum and that are appropriate for the designated grade levels. Materials are fully aligned with the content of the framework. The materials must facilitate and enable students to communicate in the language. Programs with consistent inaccuracies and a large number of errors will not be considered for adoption.

To be considered suitable for adoption, instructional materials in foreign language will provide:

1. A list of evidence, with page numbers and/or other appropriate references, that demonstrates alignment with the stage(s) of the Language Learning Continuum
2. All content as specified at each stage of the continuum that is supported by topics or concepts, lessons, activities, examples, and/or illustrations, and so forth as appropriate
3. Accurate content to support foreign language instruction in the areas of listening, speaking, reading, and writing
4. Foreign language content that is presented in interesting and engaging ways to students
5. Grammar and vocabulary appropriately used and accurately defined
6. Listening, speaking, reading, and writing activities in a foreign language that are grammatically accurate and culturally appropriate

7. Listening, speaking, reading, and writing opportunities in a foreign language through direct instruction and activities, such as conversations, reading and writing assignments, and listening exercises and essays, that focus on the student's improving and demonstrating proficiency
8. Instruction that is culturally appropriate and develops listening, speaking, reading, and writing in a foreign language
9. Opportunities for students to increase their knowledge and understanding of a foreign language through the study of the literature, art, history, philosophy, and culture(s)
10. Opportunities for students to use technology to practice communication in the language and access information about the language
11. Practice in listening, speaking, reading, and writing activities that improve language proficiency and lead to student attainment of the designated stage of the Language Learning Continuum
12. Materials that enable students to communicate in the language

Criteria categories 2 through 5 shall be considered after a program has been determined to have the necessary content. A program meeting criteria categories 2 through 5 will be approved, and a program failing to meet one category of the criteria will not be approved.

Criteria Category 2: Program Organization

Sequential organization of the foreign language program provides structure related to what students should learn each year and allows teachers to convey the foreign language content efficiently and effectively. The program will be well organized and presented in a manner consistent with providing all students an opportunity to achieve the essential knowledge and skills described in the Language Learning Continuum. A program must designate which stage(s) of the Language Learning Continuum is/are being addressed.

To be considered suitable for adoption, instructional materials in foreign language must provide:

1. Instructional resources, aligned with the Language Learning Continuum, that introduce new knowledge and skills at a reasonable pace and depth of coverage and explicitly prepare students for later stage(s)
2. A logical and coherent structure that facilitates efficient and effective teaching and learning within a lesson, unit, and year aligned with the Language Learning Continuum
3. Clearly stated student outcomes and goals that are measurable and framework-based
4. An overview of the content in each chapter or unit that designates how the lesson supports the Language Learning Continuum
5. A well-organized structure that provides students with the opportunity to listen, speak, read, and write in the language and build on knowledge and skills obtained through other language studies and/or immersion
6. Activities and texts that organize the content in a logical way such that prerequisite skills and knowledge are developed before the more complex concepts and understandings that depend on them
7. Tables of contents, indexes, glossaries, content summaries, and assessment guides that are designed to help teachers, parents or guardians, and students

Criteria Category 3: Assessment Criteria

Assessment should measure what students know and are able to do. Instructional resources should contain multiple measures to assess students' progress. Assessment measures should reveal students' knowledge and understanding of the language. Assessment tools that publishers include as a part of their instructional material should provide evidence of students' progress toward meeting the proficiency levels of the Language Learning Continuum. Assessment tools should provide information teachers can use in planning and modifying instruction to help all students meet or exceed the proficiency levels for the designated stage of the Language Learning Continuum.

To be considered suitable for adoption, instructional materials in foreign language must provide:

1. Strategies or instruments teachers can use to determine students' prior knowledge
2. Multiple measures of the individual student's progress at regular intervals to evaluate his or her attainment of the appropriate stage
3. Guiding questions for monitoring students' comprehension when listening, speaking, reading, and writing
4. ~~Performance assessments and accompanying rubrics that can be used to evaluate and improve the quality of students' work.~~ Performance assessments and accompanying rubrics that can be used to evaluate and improve the quality of students' work

Criteria Category 4: Universal Access Criteria

Instructional materials should provide access to the curriculum for all students, including those with special needs: advanced learners, heritage language learners, students with learning difficulties, and special education students. Programs must conform to the policies of the State Board of Education as well as other applicable state and federal guidelines pertaining to diverse populations and students with special needs.

To be considered suitable for adoption, instructional materials in foreign language must provide:

1. Suggestions based on current and confirmed research for ways to adapt the curriculum and the instruction to meet students' identified special needs
2. Strategies to help students who are below grade level in reading/language arts understanding the foreign language content
3. Suggestions for advanced learners that allow students to study content in greater depth
4. Strategies and suggestions to help heritage language learners to learn and understand all aspects of the language

Criteria Category 5: Instructional Planning and Support Criteria

Teacher support materials should be built into the instructional materials and should specify suggestions and illustrative examples of how teachers can use the Language Learning Continuum. Assistance should be designed to help teachers implement the program in a way that ensures the opportunity for all students to learn the essential skills and knowledge called for in the curriculum. These criteria do not recommend or require one particular pedagogical approach.

Publishers should make recommendations to teachers regarding instructional approaches that fit the instructional goals. Programs should provide teachers with a variety of instructional approaches that might include, but are not limited to, direct instruction, assigned reading and writing, conversations with native speakers, and presentations of authentic and accurate cultural situations.

To be considered suitable for adoption, planning and support resources in foreign language must provide:

1. Clearly written and accurate explanations of listening, speaking, reading, and writing in the language being studied
2. Strategies to address and correct common student errors
3. A variety of pedagogical strategies for flexible grouping of students
4. Lesson plans and suggestions for organizing resources in the classroom and ideas for pacing lessons
5. A list of materials that support the Language Learning Continuum
6. Suggestions and information on how to use authentic and accurate conversations and written communications to promote instruction in the language
7. Suggestions for how to use student assessment data within the program for instructional planning purposes
8. Technical support and suggestions for appropriate use of audiovisual, multimedia, and information technology resources associated with a unit
9. Suggestions for activities and strategies to inform parents or guardians about the foreign language program

10. References and resources for the teacher to provide further study of the language
11. Demonstration of electronic resources for teachers (e.g., audiotapes, videotapes, and other electronic media) that depict appropriate techniques and teaching suggestions
12. Homework assignments that support classroom learning and are written so that parents or guardians who are knowledgeable of the language can easily help their children
13. Suggestions that are tied to the Language Learning Continuum and that allow s students to study content in greater depth
14. Teacher's editions that include ample and useful annotations and suggestions on how to present the content in the student edition and ancillary materials

APPENDIX B

CALIFORNIA LEARNING RESOURCES DISPLAY CENTERS

Please contact your local LRDC for location, hours and procedures.

Humboldt County Office of Education
901 Myrtle Avenue
Eureka, CA 95501
(707) 445-7077

Butte County Office of Education
5 County Center Drive
Oroville, CA 95965
(530) 532-5814

Sonoma County Office of Education
5340 Skylane Blvd.
Santa Rosa, CA 95403-1082
(707) 524-2837

Fresno County Office of Education
1111 Van Ness
Fresno, CA 93721-2000
(559) 265-3038

University of California
Davidson Library
Santa Barbara, CA 93106
(805) 893-3060/FAX (805) 893-4676

San Bernardino County Office of Education
601 North "E" Street
San Bernardino, CA 92410-3093
(909) 386-2666

Los Angeles County Office of Education
Bellflower Annex - Library Services
9300 Imperial Highway
Downey, CA 90242-2890
(562) 922-6359

Orange County Office of Education
Technology and Resource Center
200 Kalmus Drive
Costa Mesa, CA 92628
(714) 966-4209

California Department of Education
1430 N Street, Suite 1201
Sacramento, CA 95814
(916) 319-0446

Alameda County Office of Education
313 West Winton Avenue
Hayward, CA 94544
(510) 670-4235

Sacramento County Office of Education
10474 Mather Blvd.
Mather, CA 95655
(916) 228-2351

Stanislaus County Office of Education
1100 H Street
Modesto, CA 95354
(209) 525-4990

Monterey Peninsula U.S.D.
540 Canyon Del Rey, Suite 1
Monterey, CA 93940-5702
(831) 899-7156

Kern County Superintendent of Schools Office
1300 17th Street
Bakersfield, CA 93301
(661) 636-4527

Los Angeles Unified School District
Textbook Services
1545 Wilshire Blvd., Suite 200
Los Angeles, CA 90017

Riverside County Office of Education
3939 13th Street
Riverside, CA 92502
(909) 826-6684

San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7399
(858) 292-3557

Contra Costa County Office of Education
77 Santa Barbara Road
Pleasant Hill, CA 94523-4215
(925) 942-5332

Santa Clara County Office of Education
1290 Ridder Park Drive, #232
San Jose, CA 95131-2398
(408) 453-6670

San Mateo County Office of Education
The SMERC Library
101 Twin Dolphin Drive
Redwood City, CA 94065-1064
(650) 802-5651

Merced County Office of Education
632 West 13th Street
Merced, CA 95340
(209) 381-5910

Tulare County Department of Education
7000 Doe Avenue, Suite A
Visalia, CA 93291
(559) 651-3077

California Polytechnic State University
Kennedy Library
San Luis Obispo, CA 93407
(805) 756-2273

Office of Ventura County Superintendent of Schools
570 Airport Way
Camarillo, CA 93010
(805) 388-4407

For more information on Learning Resources Display Centers, contact Susan Martimo, LRDC Liaison, Curriculum Frameworks and Instructional Resources Division, California Department of Education, at (916) 319-0446, or <smartimo@cde.ca.gov>

2003 Foreign Language Primary Adoption

APPENDIX C

Legal and Social Compliance Citation List
First Level Appeals Meeting, August 8, 2003

PUBLISHER	TITLE	GRADE LEVELS/STAGE	TOTAL CITES	TOTAL APPEALS	CITATION NUMBER	STANDARD(S) VIOLATED	COMPANY RESPONSE	1st STAGE APPEAL (IF APPLICABLE)	CONFIRM REVISION
Cambridge University Press	Cambridge Latin Course	6-8/Stg. 1-3	0	0	no citations		N/A	N/A	
Cheng and Tsui	Adventures in Japanese	7-8/Stg. 1-2	3	0	CTA-J-001	A-2	Revise		
					CTA-J-002	D-2, D-3, D-4	Revise		
					CTA-J-003	B-1	Revise		
Cheng and Tsui	Mirai	6-8/Stg. 1-2	8	0	CTM-J-001	A-2	Revise		
					CTM-J-002	K-1	Revise		
					CTM-J-003	A-1	Revise		
					CTM-J-004	K-1	Revise		
					CTM-J-005	K-1	Revise		
					CTM-J-006	I-4	Revise		
					CTM-J-007	D-2, D-3, D-4	Revise		
					CTM-J-008	H-1	Revise		
Cheng and Tsui	Tsumiki	7-8/Stg. 1-2	9	0	CTT-J-001	B-1	Revise		
					CTT-J-002	K-1	Revise		
					CTT-J-003	K-1	Revise		
					CTT-J-004	K-1	Revise		
					CTT-J-005	H-1	Revise		
					CTT-J-006	D-2, D-3, D-4	Revise		
					CTT-J-007	C-1	Revise		
Glencoe/McGraw-Hill	Glencoe Latin 1: Latin for Americans	6-8/Stg. 1-3	0	0	no citations		N/A	N/A	
Glencoe/McGraw-Hill	Glencoe French 1: Bon Voyage!	6-8/Stg. 1-5	3	1	GMH-F-001	A-4	Appeal	Accepted	
					GMH-F-002	D-2	Revise		
					GMH-F-003	A-4	Appeal	Accepted	

2003 Foreign Language Primary Adoption

APPENDIX C

Legal and Social Compliance Citation List
First Level Appeals Meeting, August 8, 2003

PUBLISHER	TITLE	GRADE LEVELS/STAGE	TOTAL CITES	TOTAL APPEALS	CITATION NUMBER	STANDARD(S) VIOLATED	COMPANY RESPONSE	1st STAGE APPEAL (IF APPLICABLE)	CONFIRM REVISION
Glencoe/McGraw-Hill	Glencoe Middle School Spanish: ¿Come Te Va?	6-8/Stg. 1-4	1	0	GMHCTV-S-001	K-1	Revise		
Glencoe/McGraw-Hill	Glencoe Spanish I: ¡Buen Viaje!	6-8/Stg. 1-5	1	1	GMHBV-S-001	A-2	Appeal	Accepted	
Holt, Rinehart and Winston	Allez, viens! Holt French	6-8/Stg. 1	0	0	no citations		N/A	N/A	
Holt, Rinehart and Winston	¡Ven Conmigo! Holt Spanish	6-8/Stg. 1	3	0	HRW-S-001	K-1	Revise		
					HRW-S-002	K-1	Revise		
					HRW-S-003	K-1	Revise		
McDougal Littell	¡En Español!	6-8/Stg. 1-2	0	0	no citations		N/A	N/A	
McDougal Littell	Tu Mundo/Nuestro Mundo	6-8/Stg. 3-4	0	0	no citations		N/A	N/A	
McDougal Littell	Discovering French, Nouveau!	6-8/Stg. 1-2	3	0	ML-F-001	L-1, L-2	Revise		
					ML-F-002	K-2	Revise		
					ML-F-003	A-4	Revise		
McDougal Littell	Auf Deutsch!	6-8/Stg. 1-2	0	0	no citations		N/A	N/A	
Prentice Hall, Inc.	Realidades A & B	6-8/Stg. 1	0	0	no citations		N/A	N/A	
Prentice Hall, Inc.	Ecce Romani	6-8/Stg. 1	0	0	no citations		N/A	N/A	
REI America	Amigos	K-8/Stg. 1-4	3	0	REIA-S-001	I-3	Revision		
					REIA-S-002	I-3	Revision		
					REIA-S-003	H-2	Revision		
REI America	Nuevos Amigos	K-8/Stg. 1-3	0	0	no citations		N/A	N/A	
Santillana Publishing	Nuevo Siglo de Español	K-5/Stg. 2-5	5	5	SANSE-S-001	C-2, D-2	Appeal	Accepted	
					SANSE-S-002	C-2, D-2	Appeal	Accepted	
					SANSE-S-003	C-2	Appeal	Accepted	

2003 Foreign Language Primary Adoption

APPENDIX C

Legal and Social Compliance Citation List
First Level Appeals Meeting, August 8, 2003

PUBLISHER	TITLE	GRADE LEVELS/STAGE	TOTAL CITES	TOTAL APPEALS	CITATION NUMBER	STANDARD(S) VIOLATED	COMPANY RESPONSE	1st STAGE APPEAL (IF APPLICABLE)	CONFIRM REVISION
					SANSE-S-004	B-1	Revise		
					SANSE-S-005	I-3	Revise		
Santillana Publishing	Nuevo ¡Bravo, Bravo!	K-3/Stg. 1-3	2	2	SANBB-S-001	A-2, A-3	Appeal	Accepted	
					SANBB-S-002	A-3	Appeal	Accepted	
American Guidance Service, Inc.	Life Skills English	Grds. 6-8		1	#2003-18	K-1	Appeal	Accepted	
	Career Decision Making	Grds. 6-8		1	#2003-04	K-1	Appeal	Accepted	
Cobblestone Publishing Co.	**CALLOPIE:** *Expoloring World History*	Grds. 5-9		1	#2003-11	A-1, B-1	Appeal	Accepted	
	Faces: People, Places, and Cultures	Grds. 5-9		1	#2003-09	K-1	Appeal	Accepted	

List of Citation Codes for Standards Violated
(note that some citation forms contain more than one area of violation)

A-1 Male and Female Roles, Adverse Reflection (2 citations)
A-2 Male and Female Roles, Equal Portrayal (15 citations)
A-3 Male and Female Roles, Occupations (6 citations)
A-4 Male and Female Roles, Achievements (3 citations)
A-5 Male and Female Roles, Mental and Physical Activities (3 citations)
A-6 Male and Female Roles, Traditional and Nontraditional Activities (4 citations)
B-1 Ethnic and Cultural Groups, Adverse Reflection (5 citations)
B-2 Ethnic and Cultural Groups, Proportion of Portrayals (8 citations)
B-3 Ethnic and Cultural Groups, Customs and Life Styles (2 citations)
C-1 Older Persons and the Aging Process, Adverse Reflection (1 citation)
C-2 Older Persons and the Aging Process, Proportion of Portrayals (10 citations)
D-1 Disabled Persons, Adverse Reflection (1 citation)
D-2 Disabled Persons, Proportion of Portrayals (18 citations)
D-3 Disabled Persons, Roles (5 citations)
D-4 Disabled Persons, Emotions (3 citations)
E-1 Entrepreneur and Labor, Adverse Reflections (1 citation)
F-1 Religion, Adverse Reflections (1 citation)
F-2 Religion, Indoctrination (1 citation)
G-2 Ecology and Environment, Environmental Protection (1 citation)
H-1 Dangerous Substances, Discouragement of Use (15 citations)
H-2 Dangerous Substances, Hazards of Use (1 citation)
I-1 Thrift, Fire Prevention and Humane Treatment of Animals and People, Waste (1 citations)
I-2 Thrift, Fire Prevention and Humane Treatment of Animals and People, Fire Hazards (1 citation)
I-3 Thrift, Fire Prevention and Humane Treatment of Animals and People, Inhumane Treatment (3 citations)
I-4 Thrift, Fire Prevention and Humane Treatment of Animals and People, Thrift (1 citation)
I-6 Thrift, Fire Prevention and Humane Treatment of Animals and People, Human Treatment (3 citations)
K-1 Brand Names and Corporate Logos, Use of Any Such Depictions (31 citations)
K-2 Brand Names and Corporate Logos, No Prominent Use of Any One Depiction (8 citations)
L-1 Diet and Exercise, Balance When Appropriate (7 citations)
L-2 Diet and Exercise, Reinforcement through Illustrations and Content (8 citations)

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: Nov. 7, 2003**

From: **Sue Stickel, Deputy Superintendent, Curriculum and Instruction Branch**

Re: **ITEM # 46**

Subject **2003 FOREIGN LANGUAGE PRIMARY ADOPTION OF INSTRUCTIONAL MATERIALS: CURRICULUM COMMISSION RECOMMENDATIONS**

On page 35 of the 2003 Foreign Language Primary Adoption Report of the Curriculum Development and Supplemental Materials Commission, there is a typographical error. Under the paragraph headed Recommendation, the title of the program was improperly typed.

The enclosed attachment reflects the corrected title. Please insert the revised page 35 of 50 in Attachment 1.

Attachment 1: Revised page 35 of 50-Copy of the Curriculum Commission's Recommendation Report for the 2003 Foreign Language Primary Adoption (Pages 1-50)

Santillana Publishing Company

Title of Program: ***Nuevo Siglo de Español***

Grade Level: **K-5**

Recommended Language Learning Continuum Stage(s): Not Recommended

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Components
Components of the program include: Teacher's Guides (TG), Blackline Masters Resources (BMR), Student Books (SB), Student Workbooks (WB), Classroom Libraries (CL), Audio CDs for levels K-1 (ACD), La Cartilla phonics program for K-1 (LC).

Recommendation
The Curriculum Commission does not recommend Santillana Publishing Company's *Nuevo siglo de español* because it is not aligned with the Language Learning Continuum and does not meet all the evaluation criteria.

Foreign Language Content/Alignment with Curriculum
This program is not fully aligned with Language Learning Continuum and the evaluation criteria. A list of evidence, with page numbers and/or appropriate references, that demonstrates alignment with the stage(s) of the Language Learning Continuum is not provided. Therefore, accurate content to support foreign language instruction in the areas of listening, speaking, reading, and writing is not provided nor aligned for students to be able to demonstrate proficiency on the designated stage of the Language Learning Continuum. This program does not provide opportunities for students to increase their knowledge and understanding of a foreign language through the study of literature, art, history, philosophy, and cultures(s) for each of the stages of the Language Learning Continuum.

Program Organization
This program meets the evaluation criteria in this category.

Assessment
This program does not meet the evaluation criteria in this category. The program does not provide ways for teachers to measure what students know and are able to do. It does not provide assessment tools that provide information teachers can use in planning and modifying instruction to help all students meet or exceed the proficiency levels to the designated stage of the Language Learning Continuum.

CALIFORNIA STATE BOARD OF EDUCATION **ITEM# 47**

November 2003 AGENDA

SUBJECT		**Action**
English Language Development Guide for SRA Open Court 2002	**X**	**Information**
	☐	**Public Hearing**

Recommendation:

Receive information about the recall and replacement of the English Language Development Guide for SRA Open Court 2002

Summary of Previous State Board of Education Discussion and Action

July 2003: State Board of Education demanded the recall and replacement of the English Language Development Guide for SRA Open Court 2002. The Board called for a deletion and correction of the offending material in the Guide for distribution in the fall and a complete rewriting of the Guide for distribution to the schools using Open Court in January 2004.

Summary of Key Issue(s)

September 2003: CDE informed schools and districts of the recall of the English Language Development Guide for SRA Open Court 2002.
October 2003: SRA/McGraw Hill delivered the first replacement piece.
October 2003: CDE sent letter to SRA/McGraw on the process for completing the rewriting of the English Language Development Guide for SRA Open Court 2002.

Fiscal Analysis (as appropriate)

No district or school using Open Court 2002 will be charged for the materials.

Attachment(s)

Attachment 1: Letter to Ruth Cochrane, Vice President, Publisher, SRA/McGraw-Hill (Pages 1-2)

JACK O'CONNELL
State Superintendent of Public Instruction

CALIFORNIA DEPARTMENT OF EDUCATION
1430 N Street
P. O. Box 944272
Sacramento, CA
94244-2720

October 8, 2003

Ruth B. Cochrane
Vice President, Publisher
SRA/McGraw-Hill

Dear Ruth:

Thank you for your delivery to schools and districts of the revised front matter section for the *Open Court Reading English-Language Development Guides.* Following the approval of the file labeled "Front Matter A" by Luis J. Rodriguez, State Board liaison, and Rae Belisle, Executive Director of the Board, it is my understanding that you delivered hard-copy of this material to each school (or, at local preference, each district for distribution to the district's schools) using *Open Court*. The distribution included sufficient copies to replace the front matter in every English-Language Development Guide that had been delivered, and the distribution also included instructions for removing and recycling the existing front matter. I understand that the distribution was completed on October 13, 2003. This distribution partially fulfills the State Board of Education's expectation as expressed in its July 2003 meeting. The California Department of Education (CDE) and the State Board appreciate your swift action.

The next step is for SRA/McGraw Hill to complete comprehensive revisions of the *English-Language Development Guides* (for each grade level) not only with the participation of content experts, but also with the broader community input agreed to at the State Board July meeting (including, but not limited to, the specific individuals who agreed to assist at the meeting). Incorporation of the broader community input is essential prior to the submission of the new *Guides* for review by Mr. Rodriguez and Ms. Belisle. When the comprehensive revisions are completed and the documents are submitted for review, please include the list of all who participated in their development, how each participant contributed, and whether there are any disagreements among the participants regarding the submitted documents.

As we discussed, the new *English-Language Development Guides* should be submitted for review beginning November 5, 2003 and completing delivery of all materials by December 5, 2003. In the process outlined at the July meeting of the State Board of Education and confirmed in a letter from the Department August 4, 2003, Mr. Rodriguez and Ms. Belisle will give final approval to the new English-Language Development Guide. The new *Guides* will be reviewed by two members of the Curriculum Commission, Karen Yamamoto, Chair of the Commission, and Julie Maravilla, Chair of the Curriculum Commission's Reading/Language Arts/English Language Development Subject Matter Committee for content, and the staff of the CDE will ensure that the materials are reviewed for compliance with the relevant provisions of statute and *Standards for Evaluating Instructional Materials for Social Content.* Our goal is to have all materials approved and returned with any changes to SRA/McGraw Hill by December 19 so that printing can be begin late December, and the new *Guides* can then be delivered to schools (or districts, as appropriate) by January 2004.

We look forward to the comprehensive revision being submitted for review and approval as quickly as possible so that we can assist SRA/McGraw Hill maintain its commitment to delivering the new English-Language Development Guides and completing the "product recall" of all existing guides by January 2004.

Lastly, the Department on behalf of State Board President Reed Hastings and State Superintendent of Public Instruction Jack O'Connell will be sending out a letter later this year to alert schools and districts to the arrival of the new English-Language Development Guides.

We thank you again for your cooperation on these matters and look forward to continuing to work together.

Yours truly,

Tom Adams
Director, Curriculum Frameworks and Instructional Resources

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 48

NOVEMBER 2003 AGENDA

SUBJECT		
Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST)	☐	**Action**
	X	**Information**
	☐	**Public Hearing**

Recommendation:

Present certificates to PAEMST 2002 Awardees and 2003 California State Finalists.

Summary of Previous State Board of Education Discussion and Action

This is an annual event.

Summary of Key Issue(s)

President Hastings and Superintendent O'Connell will present certificates to the 2002 Presidential Awardees and 2003 California State Finalists. The Awardees and Finalists will introduce their guests to the audience. The list of awardees and finalists is attached for your review.

The Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) Program was established in 1983 by the White House and is sponsored by the National Science Foundation. The program identifies outstanding mathematics and science teachers, kindergarten through grade twelve, in each state and the four U.S. jurisdictions. These teachers will serve as models for their colleagues and will be leaders in the improvement of science and mathematics education.

Since 1983 more than 3,000 teachers have been selected to enter the network of Presidential Awardees. They represent a premier group of science and mathematics teachers who bring national and state standards to life in their classrooms. They provide the nation with an impressive array of expertise to help improve teaching and learning while becoming more deeply involved in activities such as curriculum materials selection, research, and professional development for other teachers.

Recognition is given to K-12 teachers in four award groups: (1) elementary mathematics, (2) elementary science, (3) secondary mathematics, and (4) secondary

Summary of Key Issue(s)

science. The secondary groups may include middle, junior, and senior high school teachers.

California currently has four (two in mathematics and two in science) 2002 Presidential Awardees and four (one in mathematics and three in science) 2003 State Finalists. One math and one science Presidential Awardee from California may be selected from these State Finalists and will be presented with their awards in March 2004 at a ceremony in Washington, D.C.

Fiscal Analysis (as appropriate)

None

Attachment(s)

Attachment 1: 2002 Presidential Awardees and 2003 California State Finalists names (Pages 1)

2003 PAEMST CELEBRATION
NOVEMBER 13, 2003

Honoree	School/District
2003 Secondary Finalists	
Eric Burtson Science	San Diego High School San Diego USD
Ana England Math	Lakeview Middle School Pajaro Valley USD
Janet English Science	Serrano Intermediate School Saddleback Valley USD
Mike Fischer Science	Granite Bay High School Roseville Joint Union HSD
2002 National Awardees	
Pam Mason Math, Secondary	Patrick Henry Middle School Los Angeles USD
Charaline Maxim Math, Elementary	Mesa Union School Mesa Union School District
Louise Stivers Science, Elementary	Buchanan Street School & Magnet Center Los Angeles USD
Mary Wuerth Science, Secondary	Tamalpais High School Tamalpais Union HSD

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 49

NOVEMBER 2003 AGENDA

SUBJECT		
National Assessment of Educational Progress (NAEP): 2003 Data Release	☐	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

The following item is provided to the State Board of Education (SBE) for information.

Summary of Previous State Board of Education Discussion and Action

The results of the 2002 NAEP Reading Assessment were presented to SBE in June 2003. Additional information on the 2002 Writing Assessment and Trial Urban District Assessment (TUDA), were provided to SBE as an information memorandum in October 2003.

Summary of Key Issue(s)

On November 13 the results of the 2003 NAEP in Reading and Mathematics will be released by the National Center for Educational Statistics. These data are embargoed until **9:00 a.m. November 13**, at which time the data will be available on the Nation's Report Card Web site at <*http://www.nationsreportcard.com*>.

Fiscal Analysis (as appropriate)

None

Attachment(s)

Since the results data are embargoed until November 13, 2003, information will be provided at the SBE meeting.

California Department of Education
SBE-006 (REV 07/03)

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/12/03**

From: **Geno Flores, Deputy Superintendent**
Assessment and Accountability Branch

Re: **ITEM # #49**

Subject **NATIONAL ASSESSMENT OF EDUCTIONAL PROGRESS (NAEP): 2003 DATA RELEASE**

Please insert the following attachment:

Attachment 1: National Assessment of Educational Progress (NAEP) 2003 Mathematics and Reading Results (Pages 1-9)

NAEP 2003 Mathematics and Reading Results

State Board of Education
Sacramento, California
November 13, 2003

Presented by Dr. Eric Zilbert
California NAEP Coordinator

California Participation in NAEP Mathematics 2003

	Grade 4	Grade 8
Participation rate 2003	99%	99%
Participation rate 2002	71%	70%
# of students in sample	8,815	5,689
# of students assessed	8,544	5,512
% of students excluded 2002	3.4	3.1
% of students excluded 1998	5.6	4.2

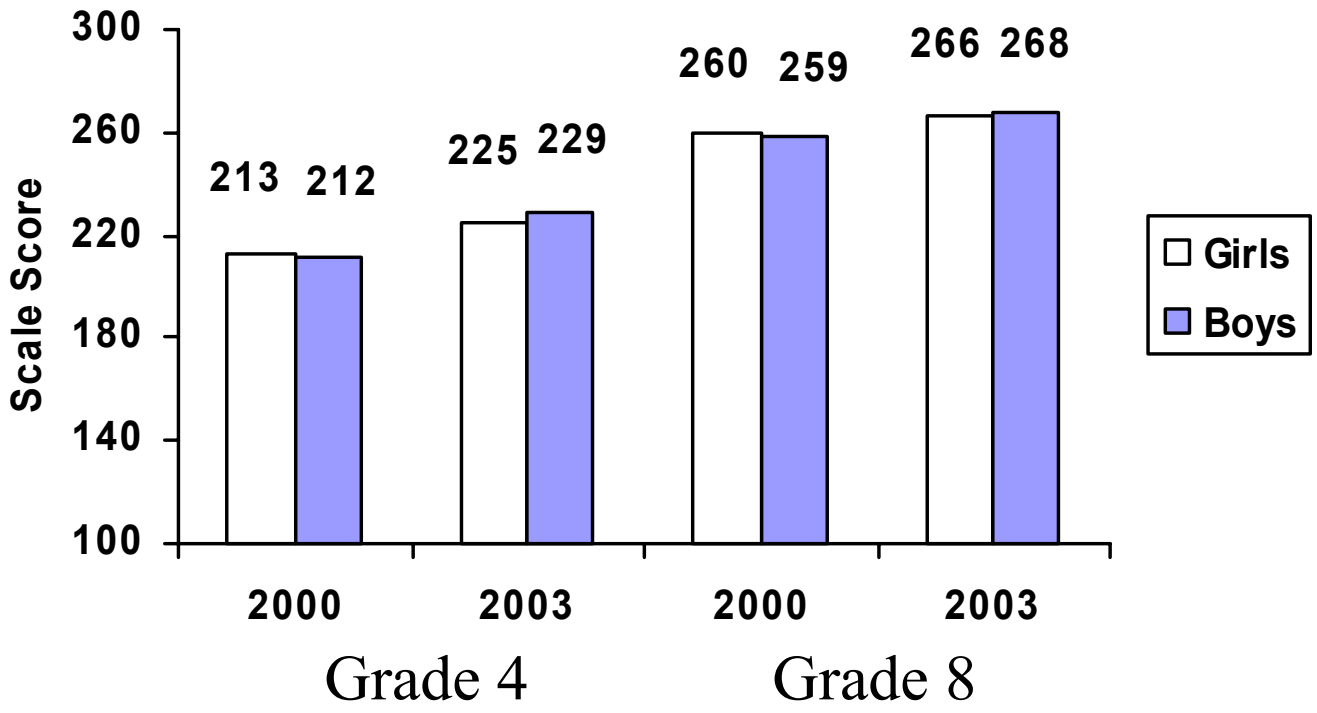
Identification and Exclusion of EL and Disabled Students (Math)

	Grade 4		Grade 8	
	California	Nation	California	Nation
Classified as EL	32.7%	10.5%	20%	6.1%
Excluded EL	2.4%	1.5%	2%	1.2%
Relative Prop. Ex.	7.3	14.3%	10%	19.7%
Disabled	9.9%	13.8%	10%	13.8%
Excluded Disabled	2.0%	3%	2%	3%
Relative Prop. Ex.	20.2%	14.7%	20%	14.7%

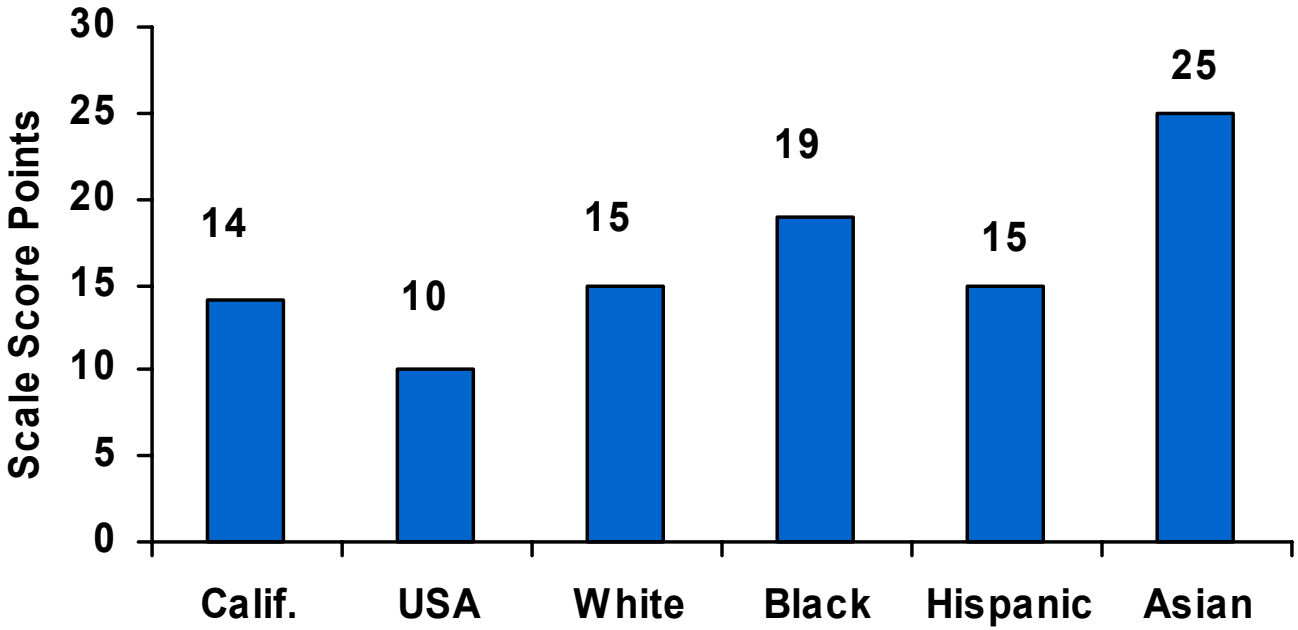
History of NAEP Mathematics Scores for California

		Scale Score		Achievement Level		
				Percent at or Above		
Grade	Year	State Avg.	[Nat. Avg.]	Basic	Proficient	Advanced
4	1992	208	[219]	34	11	1
	1996	209	[222]	35	10	1
	2000	213	[224]	37	12	1
	2003	**227**	**[234]**	**42**	**22**	**3**
8	1990	256	[262]	32	11	2
	1992	261	[267]	34	14	2
	1996	263	[271]	35	14	2
	2000	260	[272]	33	14	2
	2003	**267**	**[276]**	**34**	**17**	**4**

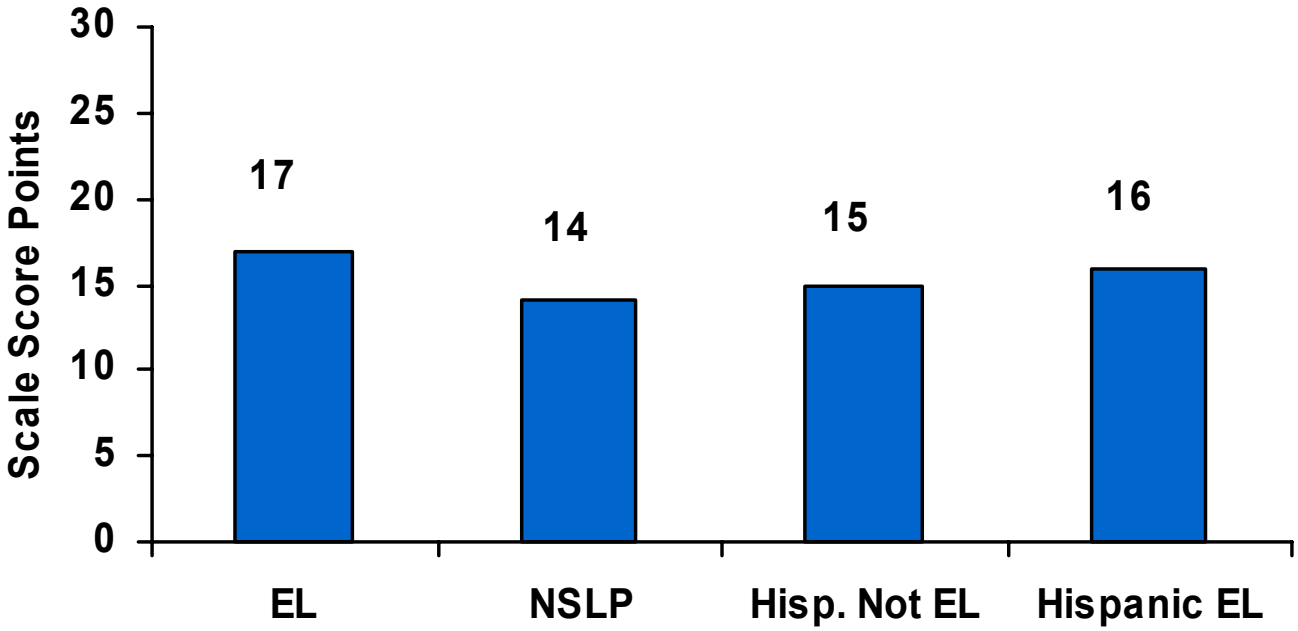
California NAEP Mathematics Results by Gender



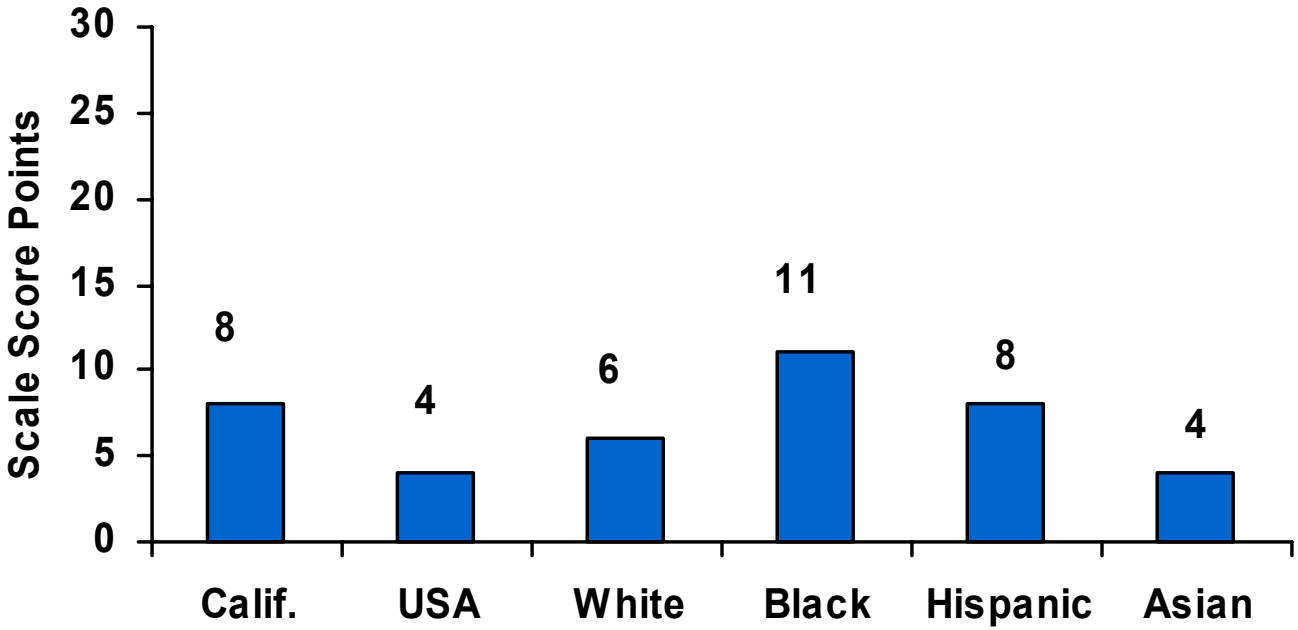
2000-2003 Mathematics Gains for Selected Groups, Grade 4



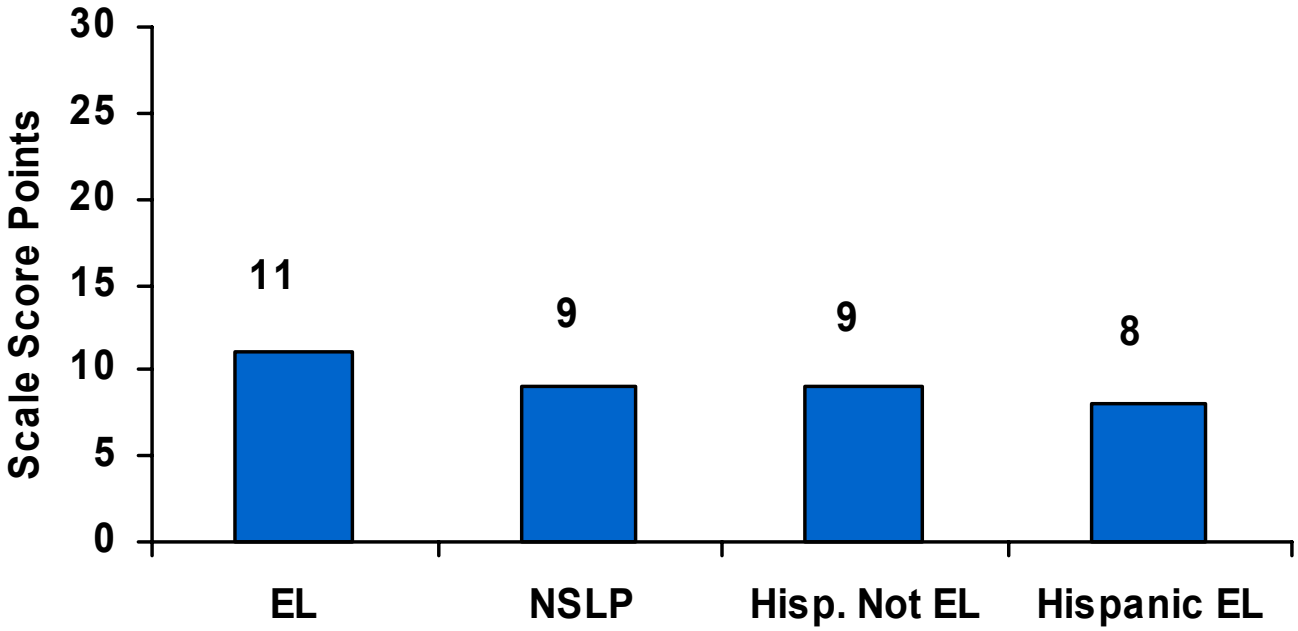
2000-2003 Mathematics Gains for Selected Groups, Grade 4



2000-2003 Mathematics Gains for Selected Groups, Grade 8



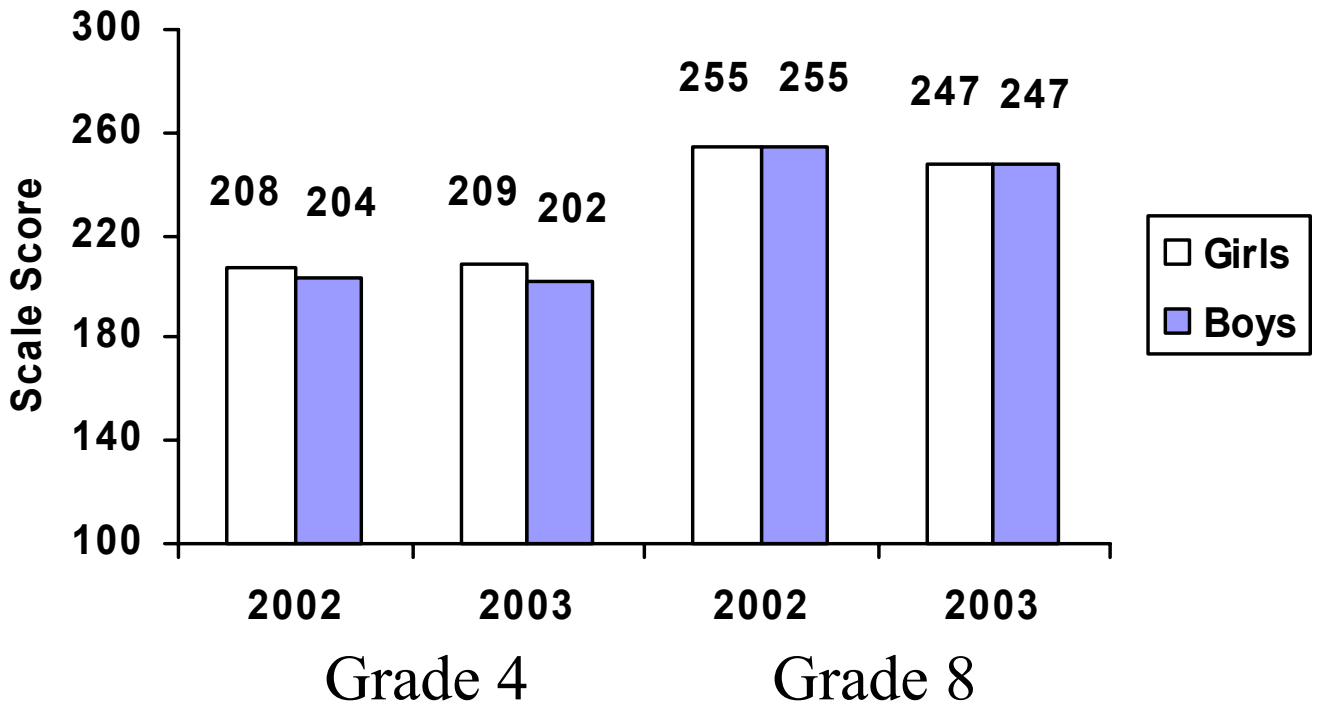
2000-2003 Mathematics Gains for Selected Groups, Grade 8



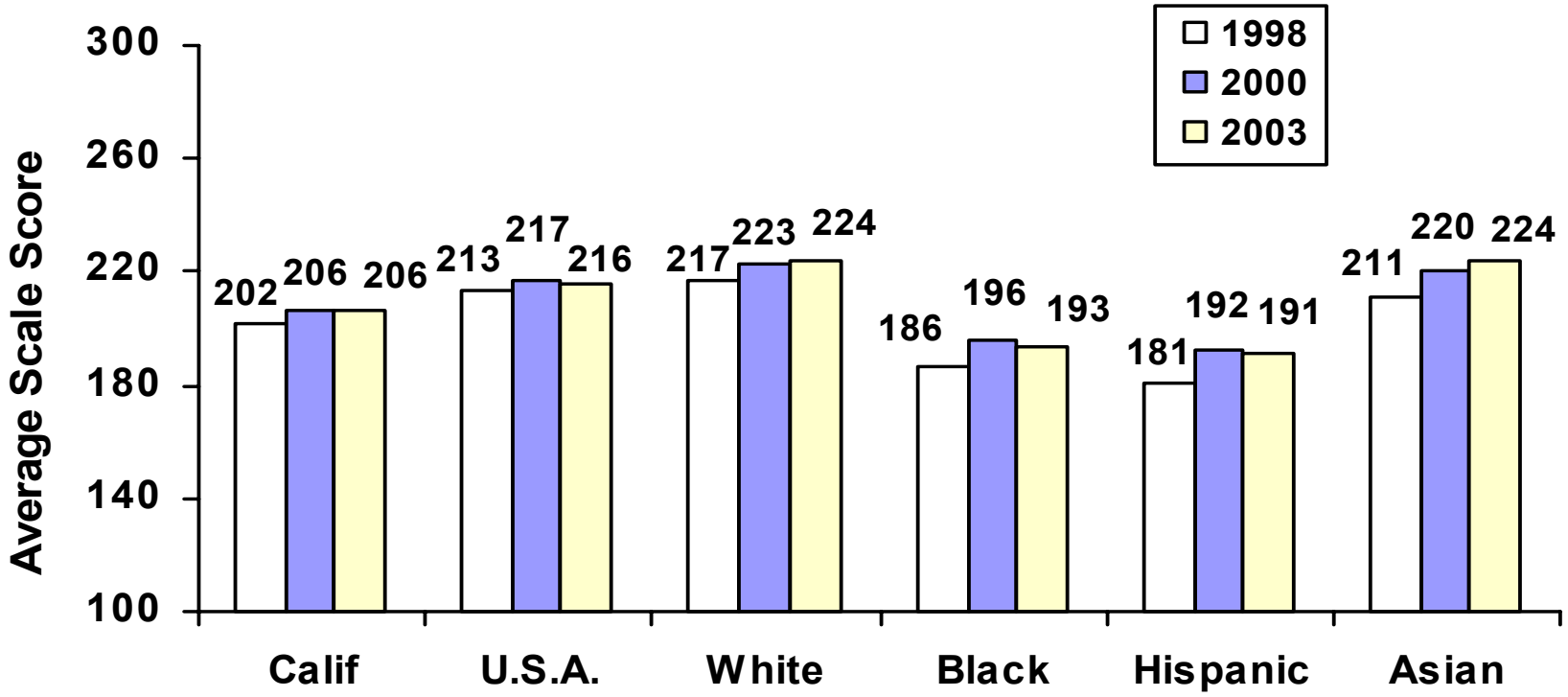
History of NAEP Reading Scores for California

		Scale Score		Achievement Level		
				Percent at or Above		
Grade	Year	State Avg.	[Nat. Avg.]	Basic	Proficient	Advanced
4	1992	202	[215]	28	16	4
	1994	197	[212]	27	14	3
	1998	202	[213]	28	16	4
	2002	206	[217]	29	17	4
	2003	**206**	**[216]**	**28**	**16**	**5**
8	1998	252	[261]	42	20	1
	2002	250	[263]	41	19	1
	2003	**251**	**[261]**	**39**	**20**	**2**

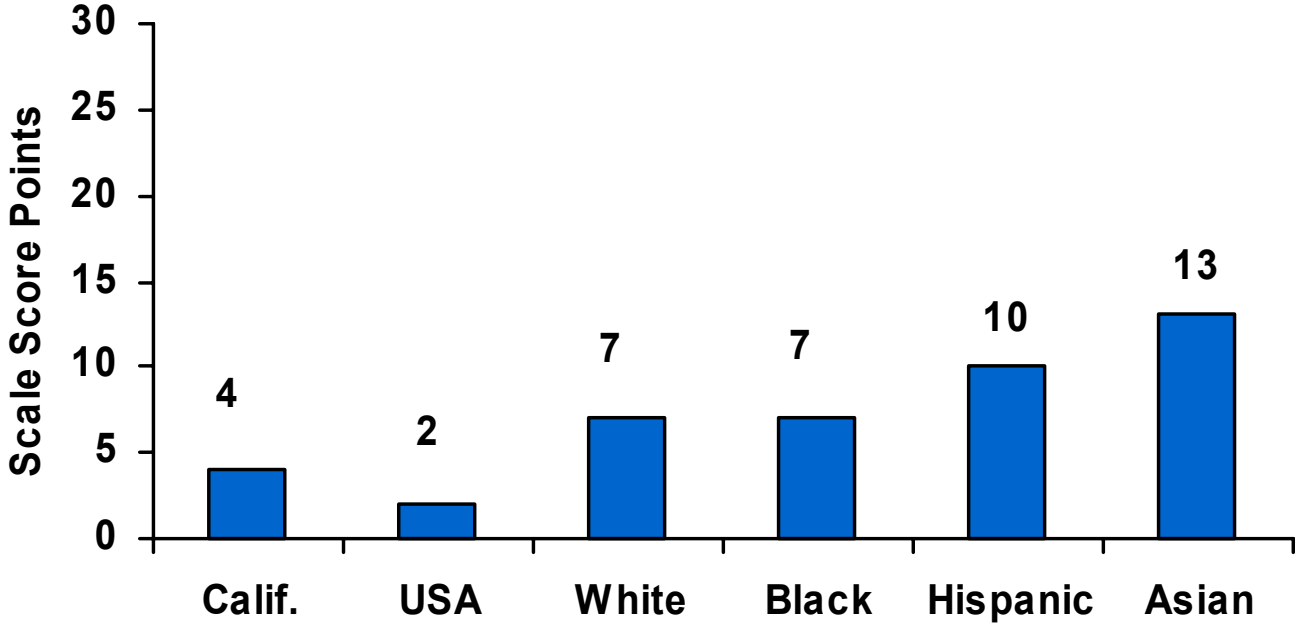
California NAEP Reading Results by Gender



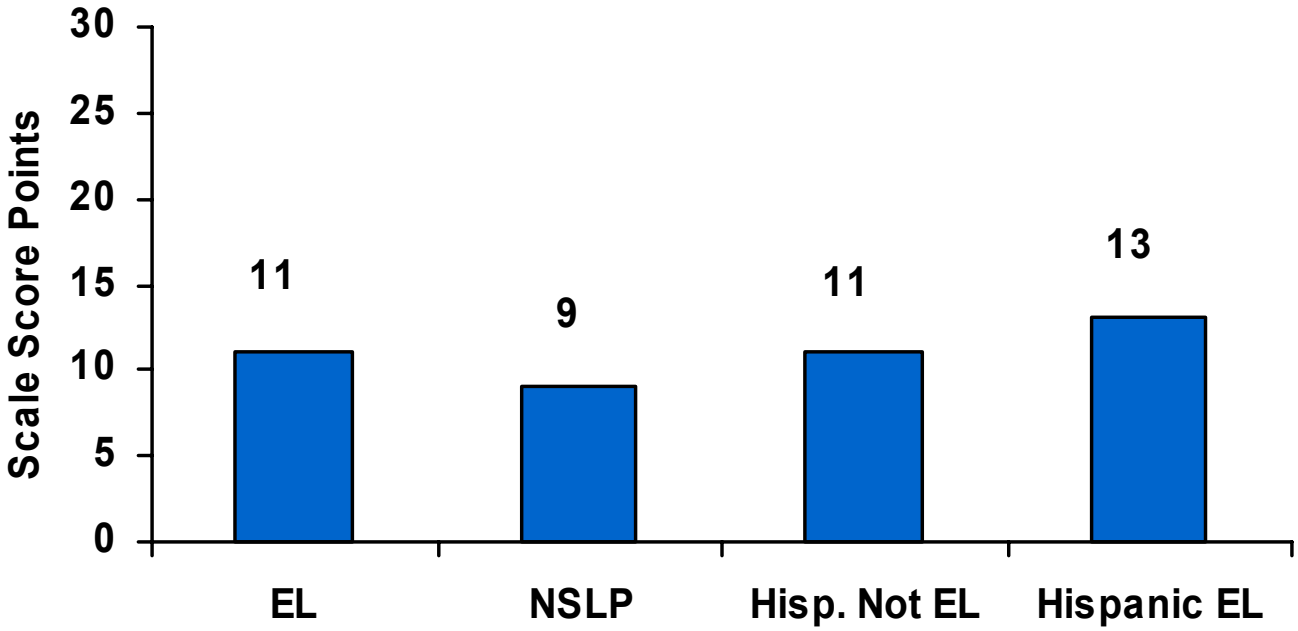
California NAEP Reading Results for Selected Groups, Grade 4



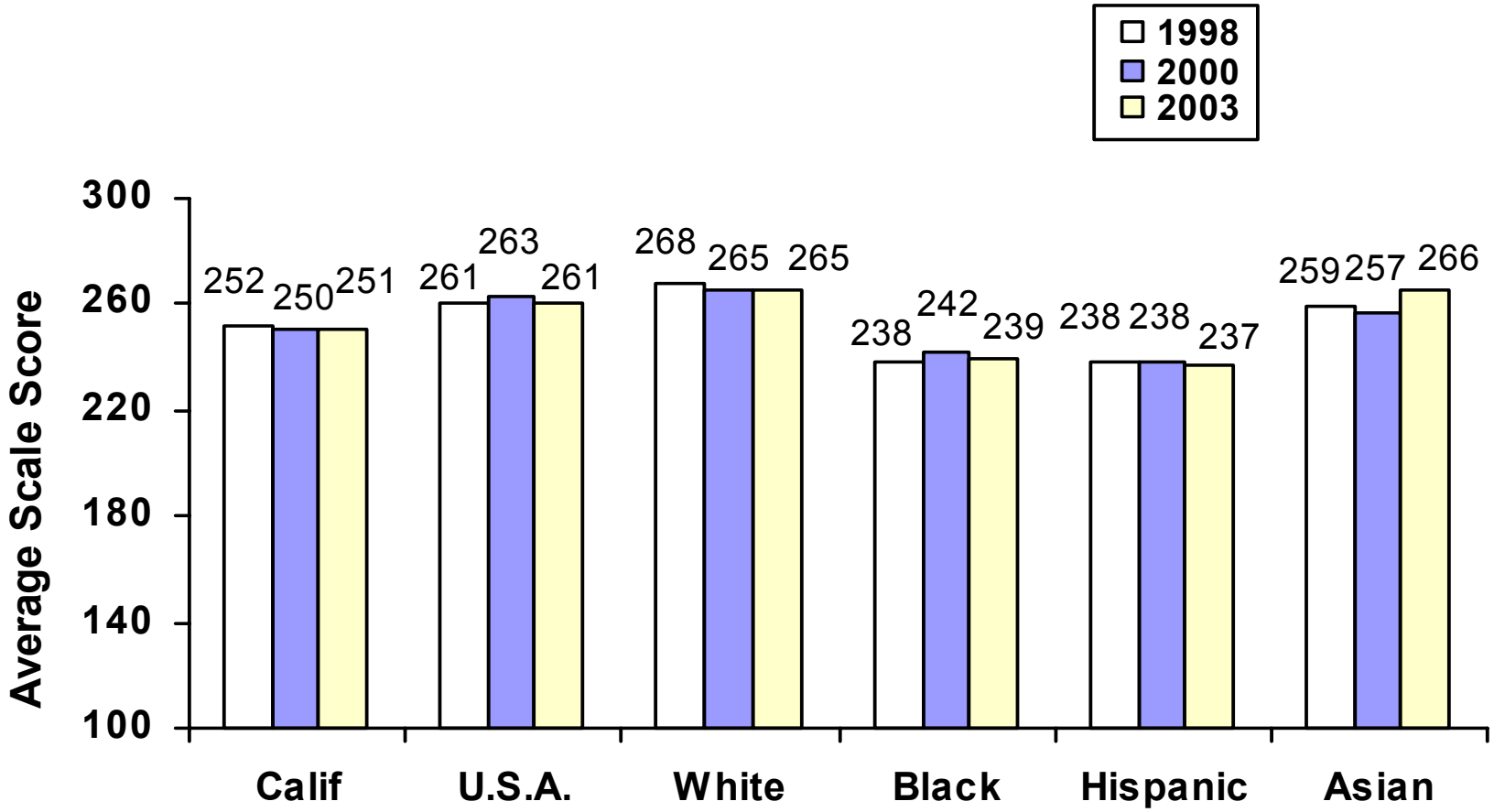
1998-2003 California NAEP Reading Gains for Selected Groups, Grade 4



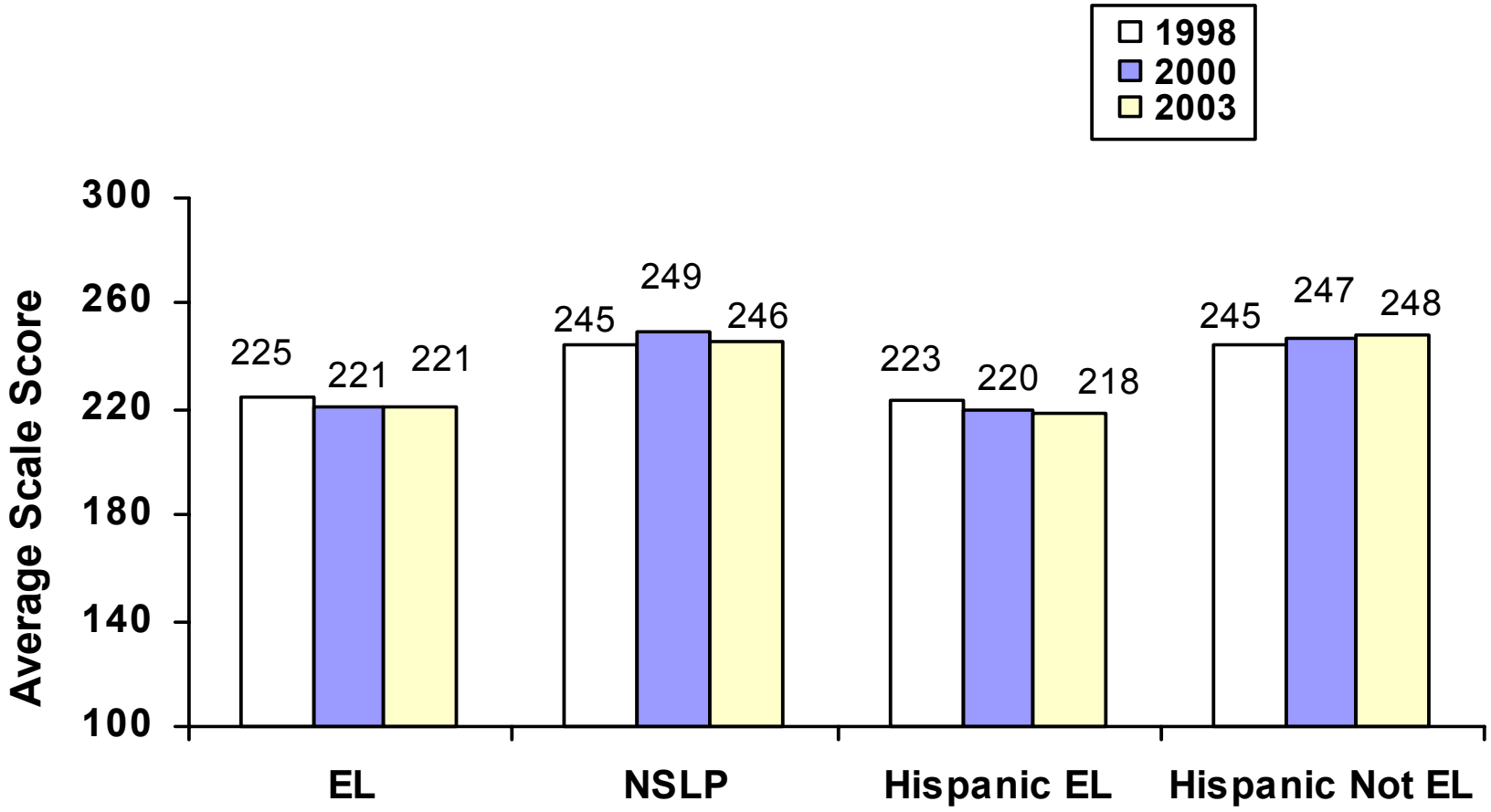
1998-2003 Reading Gains for Selected Groups, Grade 4



California NAEP Reading Results for Selected Groups, Grade 8



California NAEP Reading Results for Selected Groups, Grade 8



Schedule of NAEP Assessments 2003-2012

YEAR	NATIONAL	LONG-TERM TREND	STATE
2003	reading (4, 8) mathematics (4, 8)		reading (4, 8) mathematics (4, 8)
2004	foreign language (12)	reading, mathematics	
2005	reading mathematics science		reading (4, 8) mathematics (4, 8) science (4, 8)
2006	U.S. history economics (12) civics		
2007	reading (4, 8) mathematics (4, 8) writing (8, 12)		reading (4, 8) mathematics (4, 8) writing (8)
2008	arts (8)	reading, mathematics	
2009	reading mathematics science		reading (4, 8) mathematics (4, 8) science (4, 8)
2010	world history (12) geography		
2011	reading (4, 8) mathematics (4, 8) writing		reading (4, 8) mathematics (4, 8) writing (4, 8)
2012	civics foreign language (12)	reading, mathematics	

California Department of Education
SBE-001 (REV 07/03)

CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 50

NOVEMBER 2003 AGENDA

SUBJECT		
Report of 2003 Physical Fitness Test (PFT) Statewide Test Results	☐	**Action**
	☒	**Information**
	☐	**Public Hearing**

Recommendation:

The following item is submitted to the State Board of Education (SBE) for its information.

Summary of Previous State Board of Education Discussion and Action

In February 1996, the SBE designated *Fitnessgram* as the required physical performance test to be administered to California students

Summary of Key Issue(s)

In Spring 2003, physical fitness testing was conducted in California public schools in grades 5, 7, and 9. The test used was the *Fitnessgram*, designated for this purpose by SBE. The *Fitnessgram* uses criterion-referenced standards to evaluate fitness. These standards represent a level of fitness that offers some degree of protection against diseases that result from sedentary living. Achievement of the fitness standards is based upon a test score falling in the Healthy Fitness Zone (HFZ) for each of the six tasks that measure a different aspect of fitness. The fitness standard HFZ represents minimal levels of satisfactory achievement on the tasks, and a student must meet all of the fitness standards before he or she is considered fit.

Results of the 2003 test administration indicate that most students at all three grade levels tested are not fit when compared to standards established for the *Fitnessgram* by the Cooper Institute for Aerobics Research. Full and complete public access to state, county, district, and school results will be available via the Internet in November 2003. A last minute memorandum will be provided to SBE.

Results from the 2003 physical fitness testing were reported for 1,323,058 students compared to 1,265,546 students in 2002. Approximately 92 percent of school districts submitted data in 2003, an increase of 2 percent from 2002. The results reported no major changes between 2002 and 2003. The number of students that are considered fit increased from 24 percent to 25 percent.

Both males and females from all ethnic backgrounds could benefit from a greater emphasis in all areas of physical fitness, especially aerobic capacity, body composition,

Summary of Key Issue(s)

upper body strength, and flexibility. Districts and schools are encouraged to use the data from this test to examine their physical education programs and plan improvements in their current programs.

California Education Code section 60800 requires the California Department of Education to collect and report results to the Governor of California and the California Legislature. This report was intended to standardize data, track the development of high-quality fitness programs, and compare the performance of California's pupils to national norms on an annual basis.

Senate Bill 1868, signed into law January 2003, requires that students shall be provided with their individual results after completing the PFT. The bill does not include specifications for providing individual results; therefore, format and distribution of individual results is a district decision. In addition, the governing board of a school district shall report aggregate PFT results in their annual school accountability report card.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

A summary for the 2003 PFT results will be provided as a Last Minute Memorandum.

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date: 11/07/03**

From: **Geno Flores, Deputy Superintendent**
Assessment and Accountability Branch

Re: **ITEM # 50**

Subject: **Report of 2003 Physical Fitness Test (PFT) Statewide Test Results**

Results of the 2003 test administration indicate the following:

- Most students at all three grade levels tested are not fit when compared to standards established for the *Fitnessgram* by the Cooper Institute for Aerobics Research. Only 25 percent of the students in the three grades achieved that goal. The small percentage of students meeting minimum requirements for physical fitness is a major concern.
- Only about half (49 to 59 percent) of the students across the three grades met the minimum standard for aerobic capacity.
- Only 65-66 percent of students across the three grades met the minimum fitness levels for body composition.

Childhood obesity, having reached epidemic proportions, is directly related to diet and physical inactivity, putting children at risk for many serious health problems usually not seen during childhood. These health problems include type II diabetes, high blood pressure, and high cholesterol levels -- all early warning signs for heart disease. Inactive children are at risk for serious health conditions many of which continue into adulthood.

Both males and females from all ethnic backgrounds could benefit from a greater emphasis in all areas of physical fitness.

In the spring of 2003, the PFT was taken by 96 percent of all fifth grade students, 92 percent of all seventh grade students, and 76 percent of all ninth grade students for a total of 1,323,058 students. This is a notable increase from 1,265,546 students tested in 2002. The increased participation rate can be attributed to:

- Availability of multiple options for reporting data electronically.
- Increases in the visibility of the PFT.
- Increases in efforts to improve physical fitness due to the growing prevalence of obesity.
- Follow-up letters mailed to schools that failed to report data in 2002.
- First year participation by Charter Schools.

Relationship to Academic Achievement

A recent statewide study provided compelling evidence that the physical well-being of students has a direct impact on their ability to achieve academically. The study

individually matched scores from the spring 2001 administration of the Stanford Achievement Test, Ninth Edition, with results of the *Fitnessgram*, given in 2001 to students in grades five, seven, and nine including 353,000 fifth graders, 322,000 seventh graders, and 279,000 ninth graders.

Key findings of the study were:

- Higher achievement was associated with higher levels of fitness at each of the three grade levels measured.
- The relationship between academic achievement and fitness was greater in mathematics than in reading, particularly at higher fitness levels.
- Students who met minimum fitness levels in three or more physical fitness areas showed the greatest gains in academic achievement at all three grade levels.
- Females demonstrated higher achievement than males, particularly at higher fitness levels.

Recommendations

Districts and schools are encouraged to use the data from this test to examine their physical education programs and plan improvements in their current programs. School administrators and teachers are also encouraged to develop physical education curriculum, which is consistent with the *California Physical Education Challenge Standards* and *California Physical Education Framework*.

Earlier this year, State Superintendent of Public Instruction, Jack O'Connell, challenged all California schools to focus on students' nutrition and physical fitness when he introduced the Superintendent's Challenge. The Challenge encourages all schools to improve the health of their students through the development and implementation of policies that promote proper nutrition and regular physical activities.

Physical Fitness Web site

The 2003 physical fitness results for schools, school districts, counties, and the state are available on the CDE Web site at <http://www.cde.ca.gov/statetests/pe/pe.html>. No individual student data is reported on the Internet.

Attachment 1: 2003 California Physical Fitness (PFT) Test Data Tables (Pages 1-3)
Attachment 2: News Release (Pages 1-2)
Attachment 3: Description of Test (Pages 1-4)

2003 California Physical Fitness Test (PFT) Data Tables

Table 1: Participation by Gender

Students Tested	Grade 5		Grade 7		Grade 9	
	No.	%	No.	%	No.	%
Females	228668	49.0	224085	48.9	192579	48.5
Males	238342	51.0	234164	51.1	204692	51.5
No Gender Information	129	0.0	221	0.0	178	0.0

Table 2: Participation by Race/Ethnicity

Students Tested	Grade 5		Grade 7		Grade 9	
	No.	%	No.	%	No.	%
African/African American	36276	7.8	36387	7.9	30034	7.6
American Indian/Alaskan Native	5355	1.1	5084	1.1	4053	1.0
Asian/Asian American	34532	7.4	34726	7.6	32199	8.1
Filipino/Filipino American	11496	2.5	11906	2.6	11214	2.8
Hispanic/Latino	216808	46.4	200797	43.8	166803	42.0
Pacific Islander	6266	1.3	5942	1.3	5405	1.4
White – Not of Hispanic Origin	146838	31.4	154111	33.6	135363	34.1
Non-Response	9568	2.0	9517	2.1	12378	3.1

Table 3: Summary of Test Results for All Students

Physical Fitness Tests	Grade 5			Grade 7			Grade 9		
	Total Tested **	% in HFZ *	% Not In HFZ	Total Tested	% in HFZ	% Not In HFZ	Total Tested	% in HFZ	% Not In HFZ
Aerobic Capacity	467139	56.4	43.6	458470	58.5	41.5	397449	48.9	51.1
Body Composition	467139	65.0	35.0	458470	65.6	34.4	397449	65.4	34.6
Abdominal Strength	467139	79.5	20.5	458470	82.7	17.3	397449	79.3	20.7
Trunk Extension Strength	467139	85.6	14.4	458470	87.8	12.2	397449	81.8	18.2
Upper Body Strength	467139	64.9	35.1	458470	66.4	33.6	397449	65.5	34.5
Flexibility	467139	65.0	35.0	458470	70.7	29.3	397449	67.8	32.2

Table 4: Summary of Fitness Standards Achieved for All Students

Number of fitness standards achieved	Grade 5		Grade 7		Grade 9	
	No.	%	No.	%	No.	%
6 of 6 fitness standards	107634	23.0	124233	27.1	95660	24.1
5 of 6 fitness standards	122017	26.1	121888	26.6	102964	25.9
4 of 6 fitness standards	98014	21.0	90316	19.7	78003	19.6
3 of 6 fitness standards	67626	14.5	60578	13.2	50952	12.8
2 of 6 fitness standards	38758	8.3	33583	7.3	28321	7.1
1 of 6 fitness standards	17468	3.7	14491	3.2	14162	3.6
0 of 6 fitness standards	15622	3.3	13381	2.9	27387	6.9
Total tested:	467139	100.0	458470	100.0	397449	100.0

**Total Tested = number of students tested (includes partially tested students)
* HFZ = Healthy Fitness Zone

Table 5: Comparison of Test Results — 2002 & 2003

Physical Fitness Tests	Grade 5		Grade 7		Grade 9	
	2002 % in HFZ *	2003 % in In HFZ	2002 % in HFZ	2003 % in In HFZ	2002 % in HFZ	2003 % in HFZ
Aerobic Capacity	56.5	56.4	57.4	58.5	47.5	48.9
Body Composition	65.9	65.0	66.3	65.6	64.7	65.4
Abdominal Strength	78.1	79.5	80.7	82.7	77.7	79.3
Trunk Extension Strength	84.1	85.6	86.4	87.8	79.7	81.8
Upper Body Strength	62.5	64.9	62.2	66.4	61.1	65.5
Flexibility	63.7	65.0	69.3	70.7	65.5	67.8

Table 6: Comparison of Fitness Standards Achieved — 2002 & 2003

Number of fitness standards achieved	Grade 5		Grade 7		Grade 9	
	2002 %	2003 %	2002 %	2003 %	2002 %	2003 %
6 of 6 fitness standards	22.2	23.0	25.9	27.1	22.7	24.1
5 of 6 fitness standards	25.6	26.1	26.2	26.6	25.2	25.9
4 of 6 fitness standards	21.1	21.0	19.7	19.7	19.5	19.6
3 of 6 fitness standards	14.7	14.5	13.1	13.2	12.9	12.8
2 of 6 fitness standards	8.5	8.3	7.3	7.3	7.0	7.1
1 of 6 fitness standards	3.8	3.7	3.2	3.2	3.5	3.6
0 of 6 fitness standards	4.1	3.3	4.5	2.9	9.3	6.9

*HFZ= Healthy Fitness Zone

CALIFORNIA DEPARTMENT OF EDUCATION
NEWS RELEASE

CONTACT: Deb Kennedy dkennedy@cde.ca.gov 916/319-0818
REL#03-74 Rick Miller rdmiller@cde.ca.gov 11/6/03

STATE SCHOOLS CHIEF O'CONNELL ANNOUNCES
2003 PHYSICAL FITNESS RESULTS FOR CALIFORNIA STUDENTS

SACRAMENTO – State Superintendent of Public Instruction Jack O'Connell today announced results of last spring's physical fitness testing of California's students. This data represents students who were enrolled in grades five, seven, and nine in the spring of 2003, with 1,323,058 students participating. Students must meet the minimum fitness standards for all six areas of the test to be considered fit. Only 25 percent of the students in the three grades tested achieved that goal.

"These results are quite discouraging and show that the fitness level of students in California public schools remains low," said O'Connell. "The small percentage of students meeting minimum requirements for physical fitness is a major concern. Recent studies show there is compelling evidence that links physical fitness with academic achievement. Simply put, students who are physically fit appear to do better in school."

The annual *Fitnessgram* assessed six major fitness areas, including aerobic capacity (cardiovascular endurance), body composition (percent of body fat), abdominal strength and endurance, trunk strength and flexibility, upper body strength and endurance, and overall flexibility. A number of testing options were provided so that all students, including those with special needs, had the opportunity to participate (see Attachment 1 for testing option descriptions).

Results reported for each grade tested showed little difference between the grades. Twenty-three percent of the students in grade five, 27.1 percent in grade seven, and 24.1 percent in grade nine passed all of the fitness standards.

This is the fourth year for reporting physical fitness test results in California public schools, since the statewide assessment was re-established by Assembly Bill 265. The law requires that school districts administer a physical fitness test, designated by the State Board

of Education, to all fifth, seventh, and ninth graders annually. The designated test used is the *Fitnessgram*, developed by the Cooper Institute for Aerobics Research.

Senate Bill 896 (Statues of 1998) requires the California Department of Education (CDE) to report results to the Governor and Legislature. Every public school in California is required by law to report results of physical fitness testing annually in their school accountability report cards and schools are to provide students with their individual results.

Aerobic capacity has proven to be the most important area of the six fitness areas tested. Unfortunately, it had the poorest showing. A breakdown of results for each fitness area showed that only about half (49 to 59 percent) of the students across the three grades met the minimum standard for aerobic capacity.

Earlier this year O'Connell challenged all California schools to focus on students' nutrition and physical fitness when he introduced the Superintendent's Challenge. The Challenge encourages all schools to improve the health of their students through the development and implementation of policies that promote proper nutrition and regular physical activities.

"Everyone involved in the lives of children, including schools, needs to address these important issues," O'Connell said. "Schools must look for ways to improve their physical education programs and increase physical activity at school; and families also can help by initiating more physical activity and spending less time in front of the television. We all must ensure that students are learning the lifelong skills needed to become and stay healthy."

The 2003 physical fitness results for schools, school districts, counties, and the state are available on the CDE Web site at <http://www.cde.ca.gov/statetests/pe/pe.html>. No individual student data is reported on the Internet.

# # #

Attachment

Description of Test

The *Fitnessgram* was developed by the Cooper Institute for Aerobics Research in Dallas, Texas and endorsed by the American Alliance for Health, Physical Education, Recreation, and Dance. The primary goal of the *Fitnessgram* is to assist students in establishing physical activity as part of their daily lives. Because of this goal, *Fitnessgram* provides a number of options for each fitness area so that all students, including those with special needs, have the maximum opportunity to participate in the tests. Availability of options is especially important in measurement of body composition, which is the component of physical fitness that tends to concern parents the most. With an additional alternative for body composition measurement, school districts are more comfortable completing the section of the fitness test.

Physical fitness consists of three components: 1) aerobic capacity, 2) body composition, and 3) muscular strength, endurance, and flexibility. To ensure thorough measurement of all three components, the *Fitnessgram* test is made up of the following six major fitness areas with multiple performance task options for most areas:

Aerobic Capacity
- The Pacer
- One-Mile Walk/Run
- Walk Test

Body Composition
- Skinfold Measurements
- Body Mass Index

Abdominal Strength and Endurance
- Curl-Up

Trunk Extensor Strength and Flexibility
- Trunk Lift

Upper Body Strength and Endurance
- Push-Up
- Modified Pull-Up
- Pull-Up
- Flexed Arm Hang

Flexibility
- Back-Saver Sit and Reach
- Shoulder Stretch

To complete the *Fitnessgram*, students are required to participate in the following:

- One of the options from aerobic capacity
- One of the options from body composition
- The curl-up test
- The trunk lift test
- One of the options from upper body strength and endurance
- One of the options from flexibility

A brief description of major areas of the *Fitnessgram* and the performance task options are included here.

Aerobic Capacity

This is perhaps the most important indicator of physical fitness, and it assesses the capacity of the cardiorespiratory system by measuring endurance.

The Pacer (Progressive Aerobic Cardiovascular Endurance Run). This is a multi-stage fitness test set to music, which provides a valid and fun alternative to the customary distance run. It is strongly encouraged for students in kindergarten through third grade, but may be used in all grades. The objective is to run as long as possible back and forth across a 20-meter distance at a specified pace that gets faster each minute.
One-Mile Walk/Run. The objective is to walk and/or run a one-mile distance at the fastest pace possible.
Walk Test. The objective is to walk a one-mile distance as quickly as possible while maintaining a constant walking pace the entire distance. This test is for students who are 13 years and older. The score is calculated using a formula that combines the walk time (in minutes and seconds) and the heart rate taken at the end of the walk.

Body Composition

Body composition results provide an estimate of the percent of a student's weight that is fat compared to the "fat-free" body mass that comes from muscles, bones, and organs.

Skinfold Measurements. Measurements of the thickness of the skinfold on the back of the upper right arm and the inside of the right calf are taken using a device called a skinfold caliper. A formula is used to calculate percent body fat using these measurements.

Body Mass Index. This test provides an indication of a student's weight relative to his or her height. Height and weight measures are inserted into a formula to calculate the body mass index. Although not as accurate an indicator of body composition as the skinfold measurement, school districts and schools find this measurement less of a parent concern than skinfold measurements.

Abdominal Strength and Endurance

Abdominal strength and endurance are important in promoting good posture and correct pelvic alignment. Strength and endurance of the abdominal muscles are important in maintaining low back health.

Curl-Up Test. The objective of this test is to complete as many curl-ups as possible up to a maximum of 75 at a specified pace.

Trunk Extensor Strength and Flexibility

This test is related to low back health and vertebral alignment.

Trunk Lift. The objective of this test is to lift the upper body a maximum of 12 inches off the floor using the muscles of the back and to hold the position long enough to allow for the measurement of the lift distance.

Upper Body Strength and Endurance

This test measures the strength and endurance of the upper body and is important in maintaining functional health and promoting good posture. It is important to have strong muscles that can work forcefully and/or over a period of time.

Push-Up. The objective of this test is to complete as many push-ups as possible at a specified pace.
Modified Pull-Up. The objective of this test is to successfully complete as many modified pull-ups as possible. The Modified Pull-Up is different from a Pull-Up in that a student performs the test by lying on his or her back directly under a bar, and grasping the bar to pull up until the chin reaches a specified level.
Pull-Up. The objective of this test is to correctly complete as many pull-ups as possible.
Flexed Arm Hang. The objective of this test is to hang by the arms with the chin above a bar as long as possible.

Flexibility

This test measures joint flexibility, which is important to functional health.

Back Saver Sit and Reach. The objective of this task is to assess the flexibility of the lower back and posterior thigh. Using a special box with a ruler attached and beginning in a sitting position with one leg extended and the other leg bent, the student extends forward to reach as far as possible on top of the box. After measuring one side, the student switches the position of the legs and reaches again. The distance reached is measured for both sides of the body.
Shoulder Stretch. This is a simple test of upper body flexibility. The student should be able to touch the fingertips together behind the back by reaching over both the right and left shoulder and under the elbow.

# # # #

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-1

TITLE: Request by **Waterford Unified School District** to renew a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998. (Public Law 105-332) **CDSIS:** 5-9-2003	____ **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** __X__ **CONSENT**

RECOMMENDATION: The Department recommends: ☒ Approval ☐ Denial

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education adopted guidelines on February 8, 2001, Waiver Policy #2001-01 to assist CDE staff in reviewing waivers. The Board has approved these waivers in the past.

Summary of Key Issue(s):
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332) requires local agencies with allocations under $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is (a) in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding. Waterford USD meets the waiver criteria and requests a waiver in order to receive its allocated funds for the 2003-04 program year.

Authority for the waiver: Public Law 105-332, Section 131(d)(2)

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one): N/A

☐ Neutral ☐ Support ☐ Oppose

Name of bargaining unit representative: N/A

Local board approval date: September 11, 2003

Effective dates of request: 7-1-03 through 6-30-04

Fiscal Analysis (as appropriate): Approval will enable Waterford USD to receive allocated Perkins funds for the 2003-04 program year.

Background Information: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-2

TITLE:	Request by **Silver Valley 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)	_____ **ACTION** _____ **INFORMATION** _____ **PUBLIC HEARING** __X__ **CONSENT**
CDSIS:	7-9-2003	

RECOMMENDATION:
The Department recommends: ☒ Approval ☐ Denial

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education adopted guidelines on February 8, 2001, Waiver Policy #2001-01 to assist CDE staff in reviewing waivers. The Board has approved these waivers in the past.

Summary of Key Issue(s):
Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332) requires local agencies with allocations under $15,000 to enter into a consortium with other agencies for the purpose of meeting the $15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is (a) in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding. Silver Valley USD meets the waiver criteria and requests a waiver in order to receive its allocated funds for the 2003-04 program year.

Authority for the waiver: Public Law 105-332, Section 131(d)(2)

Bargaining unit(s) consulted on: August 11 & 21, 2003

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative: Ginger Martin & Chris Samuels

Local board approval date: September 8, 2003

Effective dates of request: 7-1-03 through 6-30-04

Fiscal Analysis (as appropriate): Approval will enable Silver Valley USD to receive allocated Perkins funds for the 2003-04 program year.

Background Information: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

FEDERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-3

TITLE: Request by **Anaheim City School District** to waive **Title IV, Part A, Section 4115 (a)(1)(C)** to use Safe and Drug Free Schools and Communities (SDFC) funds to support the cost of **You Can Do It! Education**, a program to help children achieve to the best of their ability. **CDSIS:** Fed-03-2003	_____ **ACTION** _____ **INFORMATION** _____ **PUBLIC HEARING** __X__ **CONSENT**

RECOMMENDATION:
The Department recommends:
☒ Approval on the condition that the district work with the program developer to evaluate the **You Can Do It!** (YCDI) **Education** program for alcohol, tobacco and other drug use and violence prevention outcomes and submit the program to the California Healthy Kids Resource Center for review no later than November 2005. A report of the district's progress in meeting this condition must be submitted to the department no later than November 2004.

Summary of Previous State Board of Education Discussion and Action:
The SBE previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. Attachment A of the policy lists those programs that provide scientific evidence that the program reduces violence or illegal drug use as required by Title IV, Part A Section 4115. A waiver to allow the use of SDFSC funds to support a program not listed on Attachment A is presented for consent when it meets the criteria otherwise listed in the SBE Waiver Policy.

Summary of Key Issue(s):
The waiver application from the **Anaheim City SD** regarding the **YCD! Education** program has been reviewed to ensure compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's success in meeting each of the three criteria is described as follows:

Is the program innovative?
The **YCD! Education** program was not introduced to California schools until recently. The district first used a pilot version of the program in 2002. The program does meet the State Board's criteria of being a new program. The program draws in part from the social development model for its program theory and addresses social competencies and skills as do a variety of other programs. However, the **YCD! Education** program also is designed to foster bonding to school and family. The combination of social and emotional competencies as applied by this program might offer an innovative combination or mediating variables compared to other youth development or social-influences theory based programs. The opportunity to subject

YCD! Education to evaluation employing scientifically-based research methodology in order to determine if the social and emotional competencies addressed by the program will change student behavior related to alcohol, other drug, and tobacco use and violence **would represent an innovative addition to the field of research.**

Does the program demonstrate substantial likelihood of success?
The district reports that outcome measures from preliminary program evaluation demonstrating the program's positive impact on "behavioral well being" exist. The district cites improved school attendance and decreased incidents of violence on campus as corroboration of the program's success. No actual prevalence data or other measures were cited for preventing alcohol, tobacco, drug use or violence as required by SBE policy #03-01. **However, the district reports that Dr. Michael Bernard, professor in the Department of Educational Psychology, Administration, and Counseling, College of Education, at California State University, Long Beach has a published study giving specific data regarding risk behavior reduction resulting from the program.** A copy of the published study was not submitted. A scientifically rigorous evaluation of the **YCD! Education** program that would measure the effectiveness of a social-emotional competencies approach for lowering risk behavior prevalence would be a welcomed addition to the scientific literature.

Is there a plan and timeline for submitting the program for review and recognition?
The applicant has the stated intention of submitting the program for review by both the California Healthy Kids Resource Center and the Center for Substance Abuse Prevention. As a **condition of approval**, the applicant must collect data and evidence of program effectiveness to be submitted to the California Healthy Kids Resource Center by November 2005 for review and consideration to be designated a "research-validated" program for tobacco, alcohol, and other drug use or violence prevention. A report of progress made in submitting the program for review is due to the California Department of Education by November 2004 and is a **condition of waiver approval.**

A fax supplement to the waiver application providing additional information about the program's innovative status, likelihood of success, and stating the applicant's plan and timeline for program submission was provided by the applicant and has been attached.

Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 5-27-03

Effective dates of request: 7/1/03 to 6/30/05

Fiscal Analysis (as appropriate): Waiver approval will allow the district to use funds for this program.

Background Information:
Waiver request forms and supporting documents are available for inspection in the Wavier Office.

FEDERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-4

TITLE:	Request by **Redondo Beach 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 **Hooked on Health** a kindergarten through sixth grade health education program.	____ **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** __X__ **CONSENT**
CDSIS:	Fed-04-2003	

RECOMMENDATION:
The Department recommends:
☒ Approval on the condition that the district evaluate **Hooked on Health** for alcohol, tobacco and other drug use prevention outcomes and submit the program to the California Healthy Kids Resource Center no later than November 2005 for review. A report of the district's progress in meeting this condition must be submitted to the department no later than November 2004.

Summary of Previous State Board of Education Discussion and Action:
The SBE previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. Attachment A of the policy lists those programs that provide scientific evidence that the program reduces violence and illegal drug use as required by Title IV, Part A Section 4115. A waiver to allow the use of SDFSC funds to support a program not listed on Attachment A is presented for consent when it meets the criteria otherwise listed in the SBE Waiver Policy.

Summary of Key Issue(s):

The waiver application from the **Redondo Beach USD** regarding the **Hooked on Health** program has been reviewed to ensure compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's success in meeting each of the three criteria is described as follows:

Is the program innovative?
Hooked on Health has been in existence since 1993 and does not meet the test for being a new program. However, the program is based on using interactive strategies to deliver the program as recommended by the Health Framework. Furthermore, The California Department of Education's publication *Getting Results Update 2: Assessing the Effectiveness of Classroom Based Prevention Programs, 2001*, states that commercially produced health textbooks are typically not evaluated in an empirical fashion according to the *Getting Results, Update 2* (2001) criteria of effectiveness. **The opportunity to subject Hooked on**

Health to evaluation employing scientifically-based research methodology in order to determine if health education using interactive teaching strategies will change student behavior related to alcohol, other drug, and tobacco use and violence would represent an innovative addition to the field of research.

Does the program demonstrate substantial likelihood of success?
Outcome measures from preliminary program evaluation submitted by the applicant have established the program's potential to promote physical activity and nutrition. No data or other evidence was cited for preventing alcohol, tobacco, drug use or violence as required by SBE policy #03-01. **However, data from the district's California Healthy Kids Survey's Resilience Module shows that students participating in Hooked on Health report high levels of protective factors that research has shown are strongly correlated with prevention of risk behaviors.** A scientifically rigorous evaluation of Hooked on Health that would measure the effectiveness of an interactive health curriculum for fostering protective factors and lowering risk behavior prevalence would be a welcomed addition to the scientific literature.

Is there a plan and timeline for submitting the program for review and recognition?
The applicant has the stated intention of supporting scientific evaluation of the Hooked on Health program designed to measure program outcomes. As a **condition of approval**, the applicant must collect data and evidence of program effectiveness to be submitted to the California Healthy Kids Resource Center by November 2005 for review and consideration to be designated a "research-validated" program for tobacco, alcohol, and other drug use or violence prevention. A report of progress made in evaluating the program is due to the California Department of Education by November 2004 and is a **condition of waiver approval.** A fax supplement to the wavier application stating the applicant's plan and timeline for evaluation and program submission was provided by the applicant and has been attached.

Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 8/2003

Effective dates of request: 9/1/03-9/1/05

Fiscal Analysis (as appropriate): Waiver approval will allow the district to use funds for this program.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Wavier Office.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-5

TITLE: Request by two school districts for a **retroactive waiver of *Education Code* (EC) Section 60119** regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2002-2003 that they **1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.** **CDSIS:** 14-7-2003 – Turlock Joint Elementary SD 5-8-2003 – Woodville Union SD	_____ **ACTION** _____ **INFORMATION** _____ **PUBLIC HEARING** __X__ **CONSENT**

RECOMMENDATION:
The Department recommends: ☒ Approval.

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. None of these districts have had a prior year finding and waiver of this type, so this goes to consent.

Summary of Key Issue(s):
During audits for fiscal year 2002-2003, it was discovered that the above local educational agencies did not hold the public hearings notice of sufficiency of instructional materials, or post the notice for ten days prior to the public hearing or post the required notice in three public places as required by *EC* Section 60119.

Since then, the local educational agencies has held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district. California Department of Education (CDE) staff verified all other requirements of the Specific Waiver request and none of the local educational agencies has had a previous waiver of this Education Code for the public hearing and ten day notice requirements and/or post the notice in three public places in the 1997-98, 1998-99, 1999-00 or 2000-01, 2001-02 years. Without the waiver, the local educational agencies will have to return **$340,565** to CDE.

Therefore, since the local educational agencies has met the requirements for fiscal year 2002-2003, and agrees to comply with *E.C.* 60119 and ensure that the public hearing is held, notice the public hearing for ten days, and in three public places, CDE recommends approval of this waiver request.

Authority for the waiver: *EC* Section 41344.3

Effective dates of request: 7/1/02 to 6/30/03 Audit Year

Fiscal Analysis (as appropriate): This waiver if approved will relieve the district of **$340,565** in total penalties.

Background Information:
Waiver request forms and supporting documents are available for inspection in the Waiver Office.

Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2002-2003 fiscal year)

CDSIS –14-7-2003–Turlock Joint Elementary School District

- Audit finding for the 2002-2003 fiscal year that would require the return of **$319,127** in Instructional Materials funds.
- The district did not notice the public hearing for the ten days as required by Education Code Section 60119, instead they only posted the notice for three days.
- The district has since had a fully compliant hearing on July 3, 2003 and is now fully aware of the requirement.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS 5-8-2003-Woodville Union School District

- Audit finding for the 2002-2003 fiscal year that would require the return of **$21,438** in Instructional Materials funds.
- An auditor found that the district posted the notice for the public hearing of instructional materials and textbooks sufficiency on August 20, 2002 for the hearing that was held on August 27, 2002. Therefore, the district did not meet the ten-day notice requirement of EC Section 60119.
- The district acknowledges the error and has changed the procedure for posting the notice to ensure that the same error will not occur again. A fully compliant hearing was held on August 13, 2003 that was properly noticed.
- CDE staff verified all other requirements of the Specific Waiver request.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-6

TITLE: Request by **San Antonio Regional Occupational Program** to waive *Education Code* (EC) Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP) **CDSIS:** 6-9-2003	____ **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** __X__ **CONSENT**

RECOMMENDATION:
The Department recommends:
☒ Approval with the following conditions: (1) All SBE waiver guidelines must be adhered to, (2) age 16 enrollment be limited to 10 percent of ADA funded in the prior year Annual Apportionment, and (3) approval for one year only. If approved 33051(c) will apply and the district will not have to reapply annually if the information contained on the request remains the same.

Summary of Previous State Board of Education Discussion and Action:
Waiver requests of this type have been discussed and approved by the State Board. CDE staff uses adopted Waiver Policy 2000-06 as a guideline in reviewing these waivers.

Summary of Key Issue(s):
San Antonio Regional Occupational Program (ROP) is requesting this waiver to allow more 9th and 10th grade students that are a part of their respective district's Academies and Career Pathways to participate in ROP classes, which are a vital component of the programs. Their Counselors and Career Technicians have referred these students in order to fully meet their academic and occupational needs as part of the academy and career pathways educational experience. The increase is also needed to address the issue of early intervention in reaching and retaining at-risk students. This would provide the students with an additional reason for staying in school and reinforcing the need for academic and occupational skills being offered regardless of what career they choose to pursue.

San Antonio ROP has provided written assurances that they refer only students under the age of sixteen who can significantly benefit from ROP and whom cannot have their educational needs met without such enrollment. A counselor or the administration will make such referrals and both the school principal and the ROP director will approve the referrals.

San Antonio ROP has also provided assurances that students with special needs will have an individualized education plan and all referred students will be enrolled in a career technical education pathway. These assurances meet all the requirements of the State Board of Education's waiver policy for a waiver of *Education Code* (EC) Section 52315.6

Bargaining unit(s) consulted on: The district does not have any employee bargaining units.

Position of bargaining unit (choose only one): N/A

☐ Neutral ☐ Support ☐ Oppose

Name of bargaining unit representative: N/A

Public hearing identified by (choose one or more):

☒ posting in a newspaper ☐ posting at each school ☐ other (specify) _____

Public hearing held on: 8/28/03

Local board approval date: 8/28/03

Advisory committee(s) consulted: Representatives from San Antonio Regional Occupational Centers and Programs Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: August 21, 2003

Effective dates of request: 7/1/2003 to 6/30/2005

Fiscal Analysis (as appropriate): There is no fiscal impact to the Department or the ROP.

Background Information: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-7

TITLE:	Request by the **Capistrano Unified School District** to waive *Education Code* (EC) Sections 62002 (sunset provision) and 52046(b)(3) in order to share and coordinate the use of School Improvement funds between **San Clemente High School and five other high schools** in the district.	_____ **ACTION** _____ **INFORMATION** _____ **PUBLIC HEARING** __X__ **CONSENT**
CDSIS:	1-8-2003	

RECOMMENDATION:
The Department recommends: ☒ Approval

Summary of Previous State Board of Education Discussion and Action:
The Board has approved similar requests from a number of school districts to allocate School Improvement Program funds received by one high school with one or more other high schools in the district.

Summary of Key Issue(s):
Capistrano Unified School District requests a waiver to coordinate the use of School Improvement Program funds between its six high schools. This waiver will allow the district to use part of the funds allocated to San Clemente High School to provide its other high schools with financial resources to initiate and sustain changes that support student achievement.

Bargaining unit(s) consulted on: 4/10/03

Position of bargaining unit (choose only one):

☒ Neutral ☐ Support ☐ Oppose

Name of bargaining unit representative: Frank Weirath, President

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☐ posting at each school ☒ other (specify) www.capousd.org.

Public hearing held on: 5/12/03

Local board approval date: 5/12/03

Advisory committee(s) consulted:

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: 3/28/03

Effective dates of request: 7/1/2003 through 6/30/2004

Fiscal Analysis (as appropriate): This action will not affect state or local finances.

Background Information: Waiver requests forms and supporting documents are available for inspection in the Waiver Office.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. WC-8

TITLE: Request by the **Igo-Ono-Platina Union Elementary School District** for a waiver of *Education Code* (EC) Section 52852, allowing one joint school site council to function for two small elementary schools. **CDSIS:** 8-8-2003	_____ **ACTION** _____ **INFORMATION** _____ **PUBLIC HEARING** __X__ **CONSENT**

RECOMMENDATION:
The Department recommends: ☒ Approval

Summary of Previous State Board of Education Discussion and Action:
The Board has granted waivers to other small rural districts under similar circumstances.

Summary of Key Issue(s):
Ito-Ono-Platina Union Elementary School District is a small elementary district (ADA: 102) in Shasta County. Its two elementary schools have 92 and 10 students, respectively. Staff of both sites hold common faculty meetings and plan, implement, monitor and evaluate as one group.

The Board previously granted the district a waiver to have one school site council for the two schools. This is a request to renew that waiver.

Authority for the waiver: EC 52863

Bargaining unit(s) consulted on: [not applicable for renewal requests]

Position of bargaining unit (choose only one): N/A

☐ Neutral ☐ Support ☐ Oppose

Name of bargaining unit representative: N/A

Local board approval date: 8-14-03

Effective dates of request: 9-1-2003 through 8-31-2005.

Fiscal Analysis (as appropriate): This request would utilize existing funds and would not result in additional costs to the district or to the state.

Background Information:
Waiver request forms and supporting documents are available for inspection in the Waiver Office.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-1

TITLE: Request by the **Dixon Unified School District** for a waiver of *Education Code* (EC) Section 48661(a) relating to the placement of a community day school on the same site as a continuation high school. **CDSIS:** 9-8-2003	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**

RECOMMENDATION:
The Department recommends: ☒ Approval for one year to allow for evaluation before renewal.

Summary of Previous State Board of Education Discussion and Action:
The Board has approved several similar requests in the past to allow the co-location of a community day school with a continuation high school when the district has been able to provide for the separation of students from the two schools.

Summary of Key Issue(s):
The Dixon Unified School District requests a waiver of *Education Code* Section 48661(a) which states that a community day school (CDS) shall not be situated on the same site as a continuation high school.

The district conducted an extensive search of facilities owned by the district and in the community. The **district has certified that no appropriate separate facilities are available**. The site was selected as providing the **greatest possible separation from other school classrooms and students**.

The district proposes that the CDS be located on the same site as the Maine Prairie Continuation School, the Dixon Cooperative Nursery School, and a special education classroom for young adults operated by the county office. The Dixon Community Day School replaces the Solano County Office of Education Community School that operated similarly in the same facility for the past seven years without negative incidents involving community school students and students from the other schools. The community school students have worked cooperatively with the nursery school children while learning about early childhood education.

The district maintains that the **students in the CDS will be completely separated from all other students** at the site, through physical barriers, scheduling, and extensive supervision. A **fence surrounds the CDS** classroom, with one gate for ingress and egress**.** There is a

full-time administrator on site. There is also a full-time instructional aide assigned to the CDS, as well as a part-time youth resource officer. The **starting and ending times for the various schools will be staggered,** so students will be coming and going at different times. Finally, **students will be supervised to and from the bathroom, and at breaks and lunch**.

The local school board voted unanimously to support the waiver request. The Maine Prairie Continuation School Site Council and the Dixon Cooperative Nursery School both submitted letters strongly supporting the waiver. The certificated and classified bargaining units also support the waiver request. While the District believes that the measures described above will provide a very high level of safety, as evidenced by the long-term successful operation of the County Community School at the site, the district requests, and the CDE recommends, approval of the waiver for one year, allowing for re-evaluation before renewal is considered.

Bargaining unit(s) consulted on: 8/5/03

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

☒ posting in a newspaper ☒ posting at each school ☐ other (specify) _____

Public hearing held on: 8/21/03

Local board approval date: 8/21/03

Advisory committee(s) consulted: Maine Prairie School Site Council

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: 8/13/03

Effective dates of request: 8/13/03 – 8/12/04

Fiscal Analysis (as appropriate): N/A

Background Information: Documentation is attached to this summary.

NOVEMBER 2003
PROPOSED CONSENT and NON-CONSENT WAIVERS
Staff Recommendations

ITEM #	WAIVER SUBJECT	PROPOSED CONSENT* (SBE/CDE Recommendation)	NON-CONSENT** (CDE Only Recommendation)
ITEM W-1	Community Day School (co-location)	Approve with Conditions	
ITEM W-2	Equity Length of Time	Approve, ECS 33051(c) will apply	
ITEM W-3	Equity Length of Time	Approve with Conditions	
ITEM W-4	Extended School Year (Special Education)	Approve with Conditions	
ITEM W-5	Federal Waivers: Safe and Drug Free	*Withdrawn by district*	
ITEM W-6	**Federal Waivers: Safe and Drug Free**		**Deny**
ITEM W-7	Instructional Materials Sufficiency (Audit Findings)	Approve	
ITEM W-8	Instructional Materials Sufficiency (Audit Findings)	Approve with Conditions	
ITEM W-9	**Instructional Materials (Schiff-Bustamante)**		**Provisional Approval**
ITEM W-10	**Instructional Materials Funding Realignment Program Petition**		**Approve**
ITEM W-11	**Instructional Materials Funding Realignment Program Petition**		**Approve**
ITEM W-12	**Instructional Materials Funding Realignment Program Petition**		**Approve with conditions**
ITEM W-13	**9th Grade Class Size Reduction**		**Approve with conditions**

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.
** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion. These waivers are printed in **boldface** type.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-2

TITLE:	Request by **Pioneer Union School District** for a renewal waiver of *Education Code* (EC) Section 37202, equity length of time requirement, to allow a half-year full day kindergarten program at **Grizzly Pines Elementary School.**	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**
CDSIS:	19-7-2003	

RECOMMENDATION:
The Department recommends:
☒ Approval of this waiver as long as the conditions of the waiver do not change, EC Section 33051 (c) will apply.

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):
In the 2001-02 school year, Pioneer Union School District started an extended day kindergarten program at Grizzly Pines Elementary School. Grizzly Pines is a small necessary school located in rural El Dorado County in the small town of Grizzly Flats, located near the town of Somerset. This is one of two schools in the district with kindergarten students (the other school has an ADA of 295). This school has an enrollment of 30 pupils in kindergarten through fifth grade according to CDE's Education Demographics Report.

In the initial request for waiver, the district wanted the waiver to increase the instructional time for the kindergarten students in order to implement positive academic interventions as well as address parental child care issues. The kindergarten minutes were increased from 200 minutes a day up to 310 minutes a day. This is a multi-age classroom environment and the full day kindergarten is offered in the second half of the year. During the beginning of the year, the older children are trained to work with the younger students so that in the latter part of the school year, the older children help with the kindergarteners as they stay the full day. This has been very successful for both the kindergarteners and the older children.

In a rural setting, it is extremely difficult to find suitable after school child care. Parents have to drive long distances in between home and school and child care locations. By allowing the extended day kindergarten, not only will the students benefit from increase instructional time, there would less of a problem for parents who live in remote areas of the district to provide suitable after school day care.

With the small size of the student population, it is hard to measure accurate growth for required evaluation. The API for this school is in the 700's. However, both the parents and teachers support the extended day kindergarten program and that success can be achieved at this level even though it is difficult to measure. Therefore, due to unique environment of this rural remote setting and the level of achievement and success that can be measured, the department recommends approval and as long as the conditions of the waiver do not change, that EC Section 33050 (c) will apply.

Bargaining unit(s) consulted on: 07/07/03

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative: Kristen Strand and Mike Barton

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☐ other (specify) _____

Public hearing held on: July 10, 2003

Local board approval date: July 10, 2003

Advisory committee(s) consulted: Supported by all of the parents

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: Parents surveyed about pilot program and teacher testimonial submitted see attached

Effective dates of request: 06/01/03 to 05/31/05

Fiscal Analysis (as appropriate): N/A

Background Information:

Waiver request forms and supporting documents are attached to this summary.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-3

TITLE: Request by **Fresno Unified School District** for a renewal waiver of *Education Code* (EC) Section 37202, equity length of time requirement to allow a full day kindergarten pilot program at **Burroughs, Greenberg and Winchell Elementary Schools.** **CDSIS:** 3-9-2003	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**

RECOMMENDATION:
The Department recommends:
☒ Approval for one year with the condition that the district, provide an evaluation of the full day kindergarten pilot program before a renewal is considered.

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):
In the 2002 school year, Fresno Unified started an extended day kindergarten program at three elementary schools, Burroughs, Greenberg and Winchell. The waiver request was submitted late in the school year due to the fact that the district was unaware of the requirement of EC Section 37202 to maintain equal minutes at each grade level. Once the district became aware of the requirement, they immediately began the waiver process and had a waiver approved (CDSIS# 33-04-2003-W-1) at the June 2003 State Board of Education meeting. The district now wants to continue the pilot program. The district submitted letters from the Fresno Teachers Association asking the individual schools involved in the waiver request to support the renewal of this waiver. The district also submitted their method of data collection and evaluation of the full day kindergarten program.

Therefore, since the district has not had a full year to evaluate their pilot program, the department recommends granting the waiver for one year only, not to go permanent, and with the condition that the district submit an evaluation of the pilot program before another waiver will be considered.

Bargaining unit(s) consulted on: 04/03/03 and 05/06/03

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative: Mrs. Sherry Wood

Public hearing identified by (choose one or more):

☒ posting in a newspaper ☐ posting at each school ☐ other (specify) _____

Public hearing held on: August 27, 2003

Local board approval date: August 27, 2003

Advisory committee(s) consulted: 2002-03, approved and written into school plans.

Objections raised (choose one): ☐ None ☐ Objections are attached on separate sheet

Date consulted: during 2002-03 school year

Effective dates of request: 08/07/03 to 08/04/04

Fiscal Analysis (as appropriate): n/a

Background Information:

Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-4

TITLE:	Request by **Anaheim City School District** for a renewal to waive *Title 5, California Code of Regulations, Section 3043(d),* requiring 20 school days (4 hours each) of attendance for extended school year for Special Education students.	X **ACTION** ___ **INFORMATION** ___ **PUBLIC HEARING** ___ **CONSENT**
CDSIS:	4-8-2003	

RECOMMENDATION:
The Department recommends: ☒ Approval with the following conditions: (1) Extended school year services must be provided if a child's Individualized Education Program (IEP) team determines that the services are appropriate; (2) total number of minutes offered remain the same (16 days 5 hours/day); and (3) Special Ed ADA may only be **charged for 16 days**.

Summary of Previous State Board of Education Discussion and Action:

There are no State Board of Education approved guidelines on extended school year for special education students. However this is a renewal of three previously approved waivers for this district: CDSIS-21-1-2001-W-10, CDSIS-4-9-2001-W-5 and CDSIS-4-1-2003.

Summary of Key Issue(s):

The **Anaheim City School District (ACSD)** requests a waiver of *Title 5, California Code of Regulations, Section 3043(d),* requiring 20 school days (4 hours each) of attendance for extended school year for special education students. The district is applying for this waiver to offer 16 *full* days of instruction versus 20 *minimum* days.

ACSD is on a year-round, staggered-session schedule and the extended school year is scheduled during November and March. Providing 16 full days instead of 20 minimum days provides for a more effective and efficient extended school year program for special education students by alleviating staffing issues, transportation problems, and child care issues for parents.

The department recommends approval on the conditions noted above.

Authority for the waiver: *Education Code* (EC) Section 56101

Bargaining unit(s) consulted on: NA

Position of bargaining unit (choose only one): NA

☐ Neutral ☐ Support ☐ Oppose

Name of bargaining unit representative: NA

Local board approval date: 8-12-03

Effective dates of request: 7/1/03 to 6/30/05

Fiscal Analysis (as appropriate): No fiscal impact to the state.

Background Information: Waiver request forms and supporting documentation are attached to this summary.

FEDERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-5

TITLE: Request by **Magnolia 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,** a kindergarten through sixth grade prevention program. **CDSIS:** Fed-05-2003	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**

RECOMMENDATION:
The Department recommends:
☐ Approval
☒ **Denial**

Summary of Previous State Board of Education Discussion and Action:
The SBE previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. Attachment A of the policy lists those programs that provide scientific evidence that the program reduces violence and illegal drug use as required by Title IV, Part A Section 4115. The **Here's Looking At You** program is not on the Attachment A list, and does not meet the other criteria for waiver, so it is presented for Action.

Summary of Key Issue(s):

The waiver application from the **Magnolia SD** regarding the **Here's Looking At You** program has been reviewed to ensure compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's success in meeting each of the three criteria is described as follows:

Is the program innovative?
The program has been in existence since 1992 and cannot be considered a new program. The California Department of Education's publication *Getting Results Update 2: Assessing the Effectiveness of Classroom Based Prevention Programs, 2001,* summarized the results from two published and seven unpublished studies that evaluated the Here's Looking At You (HLAY) program. The program's 10 year evaluation history further underscores that **this program is a traditional approach rather than innovative**. The program includes concepts related to providing students with current information, opportunities to bond, and social skills common to many prevention curriculums based on the social influences model. The program draws from both the social influences model and the social development model for its program theory. Given the wide availability of social influences and development based programs, Here's Looking At You **does not meet the State Board's criteria for being innovative compared to other programs.**

Does the program demonstrate substantial likelihood of success?
Previously, Dr. Denise Hallfors, Ph.D., University of North Carolina, Chapel Hill, reviewed the two published and seven unpublished studies of Here's Looking At You available at that time for a report in *Getting Results, Update 2* (2001). Dr. Hallfors concluded that, "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, Here's Looking At You should not be considered a research-based program that works."

Given the program developer's reported intention to submit the program for review by the California Health Kids Resource Center in October 2003, we asked the Resource Center director, Deborah Wood, Ph.D., to acquire a copy of the latest evaluation conducted by Farley and Associates (April 2003) and based on the scientific evidence presented by the evaluation determine if the program demonstrates substantial likelihood of success. Dr. Wood's conclusion is that, "the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April, 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001)." **The Here's Looking At You program does not meet the State Board's criteria for demonstrating the likelihood of success.** The full text of Dr. Wood's report is attached.

Is there a plan and timeline for submitting the program for review and recognition?
The applicant has confirmed that the program developer is submitting the Farley and Associates (April 2003) evaluation for publication in a peer-review journal in the fall of 2003. A fax supplement to the wavier application stating the developer's intent to submit the program for review to both the California Healthy Kids Resource Center and the Center for Substance Abuse Prevention Model Programs in October 2003 was provided by the applicant and has been attached.

Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 9-08-02

Effective dates of request: 7-1-03 to 6-30-05

Fiscal Analysis (as appropriate): Waiver denial will increase the amount of NCLB, Title IV, Part A funds available to support science-based and proven-effective alcohol, tobacco, other drug and violence prevention programs consistent with the LEA's approved LEAP.

Background Information:

Documentation is attached to this Summary

FEDERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-6

TITLE:	Request by **Placentia-Yorba Linda 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** a kindergarten through sixth grade prevention program.	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**
CDSIS:	Fed-06-2003	

RECOMMENDATION:
The Department recommends:
☐ Approval
☒ **Denial**

Summary of Previous State Board of Education Discussion and Action:
The SBE previously adopted policy 03-01 that requires a program or activity supported with Safe and Drug Free School and Communities (SDFSC) funds to meet the principles of effectiveness. Attachment A of the policy lists those programs that provide scientific evidence that the program reduces violence or illegal drug use as required by Title IV, Part A Section 4115. The **Here's Looking At You** program is not on the Attachment A list, and does not meet the other criteria for waiver, so it is presented for Action.

Summary of Key Issue(s):

The waiver application from the **Placentia-Yorba Linda USD** regarding the **Here's Looking At You** program has been reviewed to ensure compliance with the three major criteria described in SBE policy 03-01 that must be met in order for the waiver to be approved by the board. The waiver application's success in meeting each of the three criteria is described as follows:

Is the program innovative?
The applicant has been using the program for 10 years. The program has been in existence since 1992 and cannot be considered a new program. The California Department of Education's publication, *Getting Results Update 2: Assessing the Effectiveness of Classroom Based Prevention Programs, 2001*, summarized the results from two published and seven unpublished studies that previously evaluated the Here's Looking At You (HLAY) program. The program's 10 year evaluation history further underscores **that this is a traditional program rather than innovative**. The program includes concepts related to providing students with current information, opportunities to bond, and social skills common to many prevention curriculums based on the social influences model. Given the wide availability of social influences based programs, Here's Looking At You **does not meet the State Board's criteria for being innovative compared to other programs**.

Does the program demonstrate substantial likelihood of success?
Previously, Dr. Denise Hallfors, Ph.D., University of North Carolina, Chapel Hill, reviewed the two published and seven unpublished studies of Here's Looking At You available at that time for a report in *Getting Results, Update 2* (2001). Dr. Hallfors concluded that, "because of the lack of peer-reviewed studies and the weakness of unpublished study designs, Here's Looking At You should not be considered a research-based program that works."

The California Department of Education has asked the California Healthy Kids Resource Center director, Deborah Wood, Ph.D., to acquire a copy of the latest Here's Looking At You evaluation conducted by Farley and Associates (April 2003) and based on the scientific evidence presented by the evaluation determine if the program demonstrates substantial likelihood of success. Dr. Wood's conclusion is that, "the present evaluation of HLAY does not provide valid and reliable evidence of effectiveness, especially on students' substance-use behaviors. Without peer-reviewed studies on the impact of HLAY and given the design weaknesses and lack of instrumentation reliability data of the Farley and Associates (April, 2003) unpublished study, there is not available evidence at this time to change the conclusions reported in *Getting Results, Update 2* (2001)." **The Here's Looking At You program does not meet the State Board's criteria for demonstrating the likelihood of success.** The full text of Dr. Wood's report is attached.

Is there a plan and timeline for submitting the program for review and recognition?
The applicant has confirmed that the program developer is submitting the evaluation for publication in a peer-review journal in the fall of 2003. The applicant did not provide a plan or timeline for submitting the program for review as required by the State Board's criteria. However, other applicants wanting to use Here's Looking At You have indicated that the developer will submit the program to both the California Healthy Kids Resource Center and the Center for Substance Abuse Prevention Model Programs in October 2003.

Waiver Authority: NCLB, Title IV, Part A, Section 4115(a)(3)

Local board approval date: 9-09-03

Effective dates of request: 7-1-03 to 6-30-05

Fiscal Analysis (as appropriate): Waiver denial will increase the amount of NCLB, Title IV, Part A funds available to support science-based and proven-effective alcohol, tobacco, other drug and violence prevention programs consistent with the LEA's approved LEAP.

Background Information:
Documentation is attached to this Summary

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-7

TITLE: Request by **Franklin Elementary School District** for a retroactive waiver of *Education Code* (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2000-2001 for failure to pass a resolution. **CDSIS:** 9-7-2003	_X_ **ACTION** ___ **INFORMATION** ___ **PUBLIC HEARING** ___ **CONSENT**

RECOMMENDATION:
The Department recommends: ☒ Approval

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings. **This is the second year in a row for this district to get this audit finding, therefore, it must be put to action.**

Summary of Key Issue(s):
An audit was conducted at Franklin Elementary School District for both fiscal years 2000-2001 and 2001-2002 and submitted to CDE as one audit. The audit cited the district for failing to pass a resolution stating whether or not each pupil in the school district had sufficient instructional materials and or textbooks, after holding a properly noticed public hearing according to the requirements of *Education Code* (EC) Section 60119. The district held public hearings during which parents, teachers, and members of the community participated but omitted the crucial step of issuing a resolution that made the determination of whether or not there was sufficient textbooks and instructional materials. A waiver request was completed and approved on consent by the SBE in April of 2003 for the 2001-2002 fiscal year. The second year finding for the district was initially overlooked as it is not usual for the auditor to report two years in a row in one audit report.

When a district has a finding of EC Section 60119 two years in a row, the Waiver Office requires additional information from the district on their textbooks and instructional materials. As the soon as the Waiver Office became aware of the second finding, paperwork was prepared for the second waiver request. Franklin Elementary is a small rural one school district, was shut down over the summer for extensive construction projects. As a result, there was no power to the district facilities and no contact was made with the district until the last week in August of 2003. By the middle of September 2003, the district submitted a form (see attached) that verified their use of adopted textbooks in all four major subject areas at all grade levels. The district held a fully compliant hearing on January 1, 2003 and is now fully aware of the requirement. CDE staff verified all other requirements of the Specific

Waiver request. Without the waiver, the local educational agency will have to return **$28,657** to CDE.

Since the district is now fully compliant with the requirements of EC Section 60119 and aware of the purpose and importance of passing a resolution after the public hearing, and the district has submitted evidence that they are using adopted textbooks and instructional materials, the department recommends approval of this waiver.

Authority for the waiver: EC Section 41344.3

Bargaining unit(s) consulted on: April 12, 2001

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative: Mrs. Barbaccia, Mr. Dahl, Mrs. Norene

Local board approval date: 7/1/00 to 6/30/01 Audit Year

Effective dates of request: 1/16/03

Fiscal Analysis (as appropriate): This waiver if approved will relieve the district of **$28,657** in total penalties.

Background Information:
Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-8

TITLE:	Request by **Elk Hills School District** for a **retroactive waiver of** *Education Code* (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 that they **failed to hold the public hearing and make a resolution. A subsequent 2002-2003 resolution revealed an insufficiency of textbooks.**	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**
CDSIS:	34-2-2003	

RECOMMENDATION: The Department recommends:
☒ **Approval on the condition the district promises to use this years IMFRP money and IIUSP funds to purchase adopted texts for Science (grades K-3 and 7-8), and Social Studies (grades 7-8).**

Summary of Previous State Board of Education Discussion and Action:
The State Board of Education (SBE) has heard and approved a policy for Instructional Materials Sufficiency Waivers of prior year audit findings. **This district however, was found to have insufficient texts but has developed a plan to remedy the situation, so it must go to action.**

Summary of Key Issue(s):
During an audit for fiscal year **2001-2002**, it was discovered that Elk Hills School District **did not hold the public hearing or do the resolution of sufficiency of instructional materials** as required by EC Section 60119.

On December 10, 2002, a properly noticed and legally compliant EC 60119 hearing was held, however the finding was that there were **insufficient textbooks and many books were from older adoptions**, a plan was made to devote moneys to the purchase of new textbooks in the highest priority of need. Attached to this waiver is a full listing of the materials currently available for students in all grade levels as of July 20, 2003. The district is now fully up to date in Reading Language Arts and Mathematics, the top two priorities under the new IMFRP funds under AB 1781.

However due to insufficient funds for replacements, a portion of the texts in Science and History Social studies are not up to date. For Science in Grades K-3 and 7-8, the textbook is a 1993 version and in History Social Studies the 7-8 texts "across the centuries and A More Perfect Union are a 1994 edition. **The next priority in spending of the 2003-2004 IMFRP moneys will be to replace these texts.**

This is a small district of only **51 students** in Kern County. Although it is a Decile 1 school, in **2000 the API was at 472, and it has grown to 512 in the 2002 base year**. They began to participate in the High Priority Schools Grant Program (HPSG), and this additional money allowed them to purchase the newest versions of state adopted texts on June 30, 2003 in English/Language Arts and Mathematics.

The district has met the requirements for the public hearing and resolution for fiscal year 2002-2003, and has a plan to replace the remainder of the old texts. In addition if they are forced to return the money already spent ($142,425 on the NEW English Language Arts and Mathematics texts from last year) their attempt to be using up to date texts by the 2004-2005 school year for all students will be jeopardized. Therefore, CDE recommends approval of this waiver request.

Authority for the waiver: *Education Code* (EC) Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Fiscal Analysis (as appropriate): If approved this waiver will relieve district of **$142,425** in total penalties for the 2001-2002 Year.

Background Information: Waiver forms and supporting documents are attached.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-9

TITLE: General waiver request of *Education C*ode (EC) Sections 60450 (b) and 60451(b) – Schiff-Bustamante Standards-Based Instructional Materials Program by **Palo Alto Unified School District** to purchase non-adopted Instructional Resources (*FOSS, Grades K-5, California Edition)* using Schiff-Bustamante funds. **CDSIS:** 37-5-2003	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**

RECOMMENDATION:
The Department recommends:
☒ Provisional Approval: July 1, 2002 to June 30, 2004, with the requirement that the district first demonstrate full coverage of all science standards identified as not met in the reports of Curriculum Commissioners Drs. Mann and Metzenberg. The district must submit for review the additional supplemental materials that they intend to use to meet this requirement. Funds may not be spent on the *FOSS* program until this condition has been met.

Summary of Previous State Board of Education Discussion and Action:
General Waiver requests for the purchase of nonadopted instructional materials are reviewed by CDE staff in accordance with the State Board of Education (SBE) Waiver Policy 99-06 (as amended September 2002) for the Schiff-Bustamante Standards-Based Instructional Materials Program with specified exceptions for Reading/Language Arts, Mathematics, and Science programs. This is the second waiver submitted under the Science exception that was added in the September 2002 revision of the State Board policy. The first such waiver, also submitted for the *FOSS* program, was withdrawn by the petitioning district.

The exception that applies to this waiver is the second exception. The criteria for the exception in the area of science requires that a) the materials proposed to be purchased, or an earlier edition, were submitted for the 2002 Science Adoption but were not adopted; that b) that the school(s) covered by the waiver were using those materials before that adoption; c) that the materials demonstrate sufficient coverage of the science content standards (verified by submission of a standards map); and d) the school(s) covered by the waiver have demonstrated exemplary achievement as measured by API and STAR data.

Summary of Key Issue(s):
Palo Alto Unified School District requests a waiver to use Schiff-Bustamante Program funds for the purchase of *FOSS (Full Option Science System), Grades K*-5, *California Edition.* An earlier

edition of this program was submitted under the 2000 Science Adoption but was not adopted. The district is seeking a waiver under the second exception for science instructional materials.

Schiff-Bustamante Instructional Materials Fund – Exception 2 in the Area of Science:

The district has met criteria (A)-(D) specified in the State Board policy as follows:

(A) The *FOSS Grades K-5* program was submitted for consideration for adoption as part of the 2000 Science Primary Adoption, but was not adopted. The district is seeking to use a revised 2003 California Edition that they assert addresses the weaknesses found in the program during the 2000 Adoption and now fully meets the content standards in Science.

(B) Palo Alto Unified adopted *FOSS* during its adoption cycles in 1992 (for the Grades 3-6 modules) and 1995 (for the K-2 modules), and teachers and students have been using the earlier edition since that time. The district's professional development program has incorporated *FOSS* as an integral part of training teachers in its overall science curriculum.

(C) The publisher has provided a completed grade-level-specific standards map for the new edition of *FOSS*. The complete program underwent a thorough and comprehensive content review by Dr. Sandra Mann, a member of the Curriculum Development and Supplemental Materials Commission, as part of an earlier Schiff-Bustamante waiver request for *FOSS* from a different district. Dr. Mann's report (copy attached) found that numerous standards were either partially met or not met across several grade levels of the program.

The District has submitted a comprehensive list of supplementary materials that they feel meet the deficiencies uncovered in the *FOSS* basic program. These supplemental items (attached list provided by the district) were reviewed by Curriculum Commissioner Dr. Stan Metzenberg. Dr. Metzenberg's report (copy attached) found that of the 75 science standards for grades K-5 not met by the *FOSS* program, 33 were not met by the district's list of supplemental materials. The district will have to demonstrate that all standards, including those listed as deficient by Drs. Mann and Metzenberg, have been met as a condition for approval of this petition.

(D) It is difficult to track student achievement in science, as the API does not reflect science and the first statewide assessment in Science (for 5th grade) is not slated to occur until 2004. However, Palo Alto Unified SD's twelve elementary schools all received a 9 or 10 API ranking in 2002. Since assessment data in science is unavailable, the general procedure is to use Mathematics test data for waiver requests for science materials as a proxy. The district's test scores in Mathematics (SAT-9 and CST) for the twelve elementary schools covered by this waiver request have been significantly higher than the state average. On the Spring 2002 Mathematics Content Standards Test, for example, PAUSD students scored an average 74% at or above Proficient for 2nd-5th grade, compared to 37% statewide. More specific test results are provided in the Mathematics Assessment Information provided by the district as part of its waiver request (attached).

Department Recommendation
The Department recommendation is for provisional approval of the petition request from 7/1/02 through 6/30/04, for **Palo Alto Unified School District** with the requirement that the district first demonstrate full coverage of all science standards identified as not met in the reports of Curriculum Commissioners Drs. Mann and Metzenberg. The district must submit for review the additional supplemental materials that they intend to use to meet this requirement. Funds may not be spent on the *FOSS* program until this condition has been met.

Bargaining unit(s) consulted on: 1/14/03

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative: Ro Davis, President

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☐ other (specify)_____

Public hearing held on: April 22, 2003

Local board approval date: May 13, 2003

Advisory committee(s) consulted: Science Committee

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: 2/10/03

Effective dates of request: July 1, 2002 to June 30, 2004

Fiscal Analysis (as appropriate): N/A

Background Information: Waiver request and background information are attached to this summary.

Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-10

TITLE: Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) by **Ontario-Montclair School District** to purchase non-adopted Instructional Resources (*Success For All K-1)* for Central, Del Norte, Lincoln, and Moreno Elementary Schools using Instructional Materials Funding Realignment Program (IMFRP) monies. **CDSIS**: 29-5-2003	X ACTION ____ INFORMATION ____ PUBLIC HEARING

RECOMMENDATION:
The Department recommendation: Pending review of materials by a member of the Curriculum Commission.

Summary of Previous State Board of Education Discussion and Action:
The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the first petition and/or waiver request for *Success For All* by this district.

Summary of Key Issue(s).
The Ontario-Montclair School District requests approval of its petition pursuant to EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." EC 60200(g): "If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board."

The Ontario-Montclair School District is petitioning to purchase: *Success For All* (K-1).

The petition request is for four schools within the District. These four schools have poor assessment results. Three of the four schools have an API ranking of 1; the fourth has a rank of 3. Of the three schools that had API growth targets, two met those targets in 2002. The district submitted assessment data for the statewide English/Language Arts Standards Test and the SAT-9 Reading Test. District performance and the performance of these four schools is significantly below the state average.

Detailed assessment data is attached to this petition.

The District has provided a standards map that has correlations between this program and the English/Language Arts content standards for grades K-1. This program was not submitted for consideration in the 2002 Reading/Language Arts/English Language Development Adoption.

The District is already using the Board-adopted Houghton-Mifflin program at its 22 elementary schools not covered in the current waiver request. The Houghton-Mifflin program was adopted in the 2002 Reading/Language Arts/English Language Development Adoption and contains complete Universal Access components as required by the Evaluation Criteria.

The District has stated its intent to implement *Success For All* "processes and instructional design" at grades K-6, using non-state funds to implement the program at grades 2-6. This would involve significant changes to the Board-adopted Houghton Mifflin program that the District is currently using.

At the request of the State Board, the *Success for All* program was reviewed for standards alignment by Curriculum Commissioner Julie Maravilla. Commissioner Maravilla's report is attached to this petition request. *[results of review by Commissioner Maravilla here]*

Department Recommendation
The Department recommendation is pending review of the program by a member of the Curriculum Commission.

Authority for the petition: E.C. 60421 (d) and 60200(g)

Local Board approval: May 15, 2003

Public hearing held on: May 15, 2003

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☐ other (specify) _____

Fiscal Analysis (as appropriate)

LEA's estimated K-8 IMFRP in the 2003-2004 year:	$ 901,419.00[1]
Estimated cost of requested materials:	$ 36,001.09
Percentage of K-8 IMFRP:	3.99%
LEA's estimated K-8 IMFRP in future years:	$ 901,419.00
Cost of consumables in future years:	$ 36,001.09
Percentage of future IMFRP:	3.99%

Background Information: Petition request and background documentation is attached to this summary.

[1] Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **11/6/03**

From: **Judy Pinegar**

Re: **ITEM # W-10**

Subject **INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)**

Attached is the complete signed waiver request for the above item, the revised summary analysis, as well as the Curriculum Commissioner's pending review.

Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2003 AGENDA
Item No. W-10

SUBJECT: Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) by **Ontario-Montclair School District** to purchase non-adopted Instructional Resources (*Success For All K-1)* using Instructional Materials Funding Realignment Program (IMFRP) monies. **CDSIS**: 29-5-2003	X ACTION ____ INFORMATION ____ PUBLIC HEARING

RECOMMENDATION:
The Department recommendation: Approval for K-1, from August 1, 2003, through July 31, 2005.

Summary of Previous State Board of Education Discussion and Action:

The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the first petition and/or waiver request for *Success For All* by this district.

Summary of Key Issue(s).

The Ontario-Montclair School District requests approval of its petition pursuant to EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." EC 60200(g): "If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board."

The Ontario-Montclair School District is petitioning to purchase: *Success For All* (K-1).

The petition request is for four schools within the District. These four schools have below average assessment results. Three of the four schools have an API ranking of 1; the fourth has a rank of 3. Of the three schools that had API growth targets, two met those targets in 2002. The district submitted assessment data for the statewide English/Language Arts Standards Test and the SAT-9 Reading Test. District performance and the performance of these four schools is significantly below the state average.

Detailed assessment data is attached to this petition.

The District has provided a standards map that has correlations between this program and the English/Language Arts content standards for grades K-1. This program was not submitted for

consideration in the 2002 Reading/Language Arts/English Language Development Adoption.

The District is already using the Board-adopted Houghton-Mifflin program at its 22 elementary schools not covered in the current waiver request. The Houghton-Mifflin program was adopted in the 2002 Reading/Language Arts/English Language Development Adoption and contains complete Universal Access components as required by the Evaluation Criteria.

The District has stated its intent to implement *Success For All* "processes and instructional design" at grades K-6, using non-state funds to implement the program at grades 2-6. This would involve significant changes to the Board-adopted Houghton Mifflin program that the District is currently using.

At the request of the State Board, the *Success for All* program was reviewed for standards alignment by Curriculum Commissioner Julie Maravilla. Commissioner Maravilla's report is attached to this petition request. Commissioner Maravilla found that the *Success for All* program is aligned to state standards for grades K-1.

Department Recommendation
The Department recommendation is for approval of the petition request from 8/1/03 through 7/31/05.

Authority for the petition: **E.C. 60421 (d) and 60200(g)**

Local Board approval: May 15, 2003

Public hearing held on: May 15, 2003

Fiscal Analysis (as appropriate)

LEA's estimated K-8 IMFRP in the 2003-2004 year:	$ 901,419.00[1]
Estimated cost of requested materials:	$ 36,001.09
Percentage of K-8 IMFRP:	3.99%
LEA's estimated K-8 IMFRP in future years:	$ 901,419.00
Cost of consumables in future years:	$ 36,001.09
Percentage of future IMFRP:	3.99%

Background Information is attached to this Agenda Item.

[1] Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

[1] Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-11

TITLE: Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) by **Oakley Union School District** to purchase non-adopted Instructional Resources (*Success For All K-1)* for Gehringer Elementary School using Instructional Materials Funding Realignment Program (IMFRP) monies. **CDSIS**: 52-5-2003	X ACTION ____ INFORMATION ____ PUBLIC HEARING

RECOMMENDATION:
The Department recommendation: Pending review of materials by a member of the Curriculum Commission.
[Note: this is a retroactive petition, the district requested it for the period 7/28/02-6/4/03. The final recommendation will reflect those dates]

Summary of Previous State Board of Education Discussion and Action:

The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the first petition and/or waiver request for *Success For All* by this district.

Summary of Key Issue(s).

The Oakley Union School District requests approval of its petition pursuant to EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." EC 60200(g): "If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board."

The Oakley Union School District is petitioning to purchase: *Success For All* (K-1). The district submitted two cost estimates with its petition; one includes a complete update of its kindergarten program, while the second includes only the replacement of consumable materials. As the full program was the one reviewed by Curriculum Commissioner Julie Maravilla, this recommendation is for the full update.

The petition request is for one elementary school within the district. Gehringer Elementary has had an API ranking between 5 and 6 over the last four years, with a rank of 6 in 2002. The school's data for the statewide English/Language Arts Standards Test and the SAT-9 Reading Test show results that are generally close to the state average.

Detailed assessment data is attached to this petition.

The District has provided a standards map that has correlations between this program and the English/Language Arts content standards. This program was not submitted for consideration in the 2002 Reading/Language Arts/English Language Development Adoption.

At the request of the State Board, the *Success for All* program was reviewed for standards alignment by Curriculum Commissioner Julie Maravilla. Commissioner Maravilla's report is attached to this petition request. *[results of review by Commissioner Maravilla here]*

Department Recommendation
The Department recommendation is pending review of the program by a member of the Curriculum Commission.

Authority for the petition: E.C. 60421(d) and 60200(g)

Local Board approval: May 21, 2003

Public hearing held on: May 27, 2003

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☒ other (specify) Public Library, District Office , Education Center

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Fiscal Analysis (as appropriate):

LEA's K-8 IMFRP in the 2002-2003 year:	$ 154,742[1]
Estimated cost of requested materials:	$ 15,986.41
Percentage of K-8 IMFRP:	10.3 %

Background Information: Petition request and background documentation is attached to this summary.

[1] Amount provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **11/6/03**

From: **Judy Pinegar**

Re: **ITEM # W-11**

Subject **INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)**

Attached is the complete signed waiver request for the above item, the revised summary analysis, as well as the Curriculum Commissioner's pending review.

Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2003 AGENDA
Item No. W-11

SUBJECT: Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) by **Oakley Union School District** to purchase non-adopted Instructional Resources (*Success For All K-1)* using Instructional Materials Funding Realignment Program (IMFRP) monies. **CDSIS**: 52-5-2003	X ACTION ____ INFORMATION ____ PUBLIC HEARING

RECOMMENDATION:
The Department recommendation: Approval for grades K-1, for July 28, 2002 through June 4, 2004.

Summary of Previous State Board of Education Discussion and Action:

The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the first petition and/or waiver request for *Success For All* by this district.

Summary of Key Issue(s).

The Oakley Union School District requests approval of its petition pursuant to EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." EC 60200(g): "If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board."

The Oakley Union School District is petitioning to purchase: *Success For All* (K-1). The district submitted two cost estimates with its petition; one includes a complete update of its kindergarten program, while the second includes only the replacement of consumable materials. As the full program was the one reviewed by Curriculum Commissioner Julie Maravilla, this recommendation is for the full update.

The petition request is for one elementary school within the district. Gehringer Elementary has had an API ranking between 5 and 6 over the last four years, with a rank of 6 in 2002. The school's data for the statewide English/Language Arts Standards Test and the SAT-9 Reading Test show results that are generally close to the state average.

Detailed assessment data is attached to this petition.

The District has provided a standards map that has correlations between this program and the

English/Language Arts content standards. This program was not submitted for consideration in the 2002 Reading/Language Arts/English Language Development Adoption.

At the request of the State Board, the *Success for All* program was reviewed for standards alignment by Curriculum Commissioner Julie Maravilla. Commissioner Maravilla's report is attached to this petition request. Commissioner Maravilla found that the *Success for All* program is aligned to state standards for grades K-1.

Department Recommendation
The Department recommendation is for approval of the petition request from 7/28/02 through 6/4/04.

Authority for the petition: **E.C. 60421(d) and 60200(g)**

Local Board approval: May 21, 2003

Public hearing held on: May 27, 2003

Fiscal Analysis (as appropriate)

LEA's K-8 IMFRP in the 2002-2003 year:	$ 154,742[1]
Estimated cost of requested materials:	$ 15,986.41
Percentage of K-8 IMFRP:	10.3 %

Background Information is attached to this Agenda Item

[1] Amount provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

[1] Amount provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-12

TITLE:	Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) by **Edison Charter Academy, San Francisco** to purchase non-adopted Instructional Resources (*Success For All K-5)* using Instructional Materials Funding Realignment Program (IMFRP) monies.	X ACTION ____ INFORMATION ____ PUBLIC HEARING
CDSIS:	7-6-2003	

RECOMMENDATION:
The Department recommendation: Pending review of materials by a member of the Curriculum Commission.

Summary of Previous State Board of Education Discussion and Action:
The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the first petition and/or waiver request for *Success For All* by this charter school.

Summary of Key Issue(s).
The Edison Charter Academy, San Francisco requests approval of its petition pursuant to EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." EC 60200(g): "If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board."

The Edison Charter Academy, San Francisco is petitioning to purchase: *Success For All* (K-5).

The petition request is for one charter elementary school. Edison Charter Academy, San Francisco has fluctuated between API rankings of 1 (lowest) and 3 over the last four years, with a rank of 2 in 2002. The school's data for the statewide English/Language Arts Standards Test and the SAT-9 Reading Test show results that are generally below the state average. However, in 2001 and 2002 the school's percentage of students who scored at *basic or above* on the English/Language Arts Standards Test was significantly higher than the state average.

Detailed assessment data is attached to this petition.

The District has provided a standards map that has correlations between this program and the English/Language Arts content standards for grades K-5. This program was not submitted for consideration in the 2002 Reading/Language Arts/English Language Development Adoption.

At the request of the State Board, the *Success for All* program was reviewed for standards alignment by Curriculum Commissioner Julie Maravilla. Commissioner Maravilla's report is attached to this petition request. *[results of review by Commissioner Maravilla here]*

Department Recommendation
The Department recommendation is pending review of the program by a member of the Curriculum Commission.

Authority for the petition: E.C. 60421(d) and 60200(g)

Local Board approval: April 2, 2003

Public hearing held on: April 2, 2003

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☒ posting at each school ☐ other (specify) _____

Fiscal Analysis (as appropriate):

LEA's estimated K-8 IMFRP in the 2003-2004 year:	$ 19,000.00[1]
Estimated cost of requested materials:	$ 10,818.00
Percentage of K-8 IMFRP:	56.9 %

Background Information: Petition request and background documentations is attached to this summary.

[1] Estimate provided by the charter. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **11/6/03**

From: **Judy Pinegar**

Re: **ITEM # W-12**

Subject **INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)**

Attached is the complete signed waiver request for the above item, the revised summary analysis, as well as the Curriculum Commissioner's pending review.

Instructional Materials Funding Realignment Program (IMFRP) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION

NOVEMBER 2003 AGENDA
Item No. W-12

SUBJECT: Petition request under *Education Code* (EC) Sections 60421(d) and 60200(g) by **Edison Charter Academy** to purchase non-adopted Instructional Resources (*Success For All K-5)* using Instructional Materials Funding Realignment Program (IMFRP) monies. **CDSIS**: 7-6-2003	X ACTION ____ INFORMATION ____ PUBLIC HEARING

RECOMMENDATION:
The Department recommendation: Approval for grades K-1 (only) for July 1, 2003 through June 30, 2005.

Summary of Previous State Board of Education Discussion and Action:

The petition process was continued in statute for use by districts with the Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with EC 60421(d). This is the first petition and/or waiver request for *Success For All* by this charter school.

Summary of Key Issue(s).

The Edison Charter Academy requests approval of its petition pursuant to EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." EC 60200(g): "If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board."

The Edison Charter Academy is petitioning to purchase: *Success For All* (K-5).

The petition request is for one charter elementary school. Edison Charter Academy has fluctuated between API rankings of 1 (lowest) and 3 over the last four years, with a rank of 2 in 2002. The school's data for the statewide English/Language Arts Standards Test and the SAT-9 Reading Test show results that are generally below the state average. However, in 2001 and 2002 the school's percentage of students who scored at *basic or above* on the English/Language Arts Standards Test was significantly higher than the state average.

Detailed assessment data is attached to this petition.

The District has provided a standards map that has correlations between this program and the English/Language Arts content standards for grades K-5. This program was not submitted for

consideration in the 2002 Reading/Language Arts/English Language Development Adoption.

At the request of the State Board, the *Success for All* program was reviewed for standards alignment by Curriculum Commissioner Julie Maravilla. Commissioner Maravilla's report is attached to this petition request. While Commissioner Maravilla found that the program was aligned to state standards for grades K-1, she found insufficient evidence to evaluate the charter school's assertion that their program for grades 2-5 is aligned to standards. Therefore, the Department's recommendation is to approve this petition request for grades K-1 only.

Department Recommendation
The Department recommendation is for approval of the petition request for grades K-1 (only) for 7/1/03-6/30/05.

Authority for the petition: **E.C. 60421(d) and 60200(g)**

Local Board approval: April 2, 2003

Public hearing held on: April 2, 2003

Fiscal Analysis (as appropriate)

LEA's estimated K-8 IMFRP in the 2003-2004 year:	$ 19,000.00[1]
Estimated cost of requested materials:	$ 10,818.00
Percentage of K-8 IMFRP:	56.9 %

Background Information is attached to this Agenda Item.

[1] Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

[1] Estimate provided by the district. Note that due to ongoing budget cuts, it is impossible to be certain how much funding for IMFRP will be provided in future years.

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION
NOVEMBER 2003 AGENDA
Item No. W-13

TITLE: Request by **Long Beach Unified School District** to waive *Education Code* (EC) Section 52084 (b) and 52086 (a) under the Morgan-Hart Class Size Reduction Act to permit targeted students to receive intensive instruction through a full year two period core English and/or math course staffed at a 20 to 1 ratio. **CDSIS:** 2-9-2003	X **ACTION** ____ **INFORMATION** ____ **PUBLIC HEARING** ____ **CONSENT**

RECOMMENDATION:
The Department recommends:
☒ Approval for one year, with the conditions that some of the participating students will be enrolled in the English class at all times, total funding to the district will not exceed two times the grade 9 enrollment of the district, and all classes will be held to the 1-20 ratio average (with no more than 22 in any one class).

Summary of Previous State Board of Education Discussion and Action:
The SBE has discussed issues of Morgan-Hart Class Size Reduction previously. Waivers to increase the number of classes for the lowest performing students have been approved by the SBE as long as the total funding to the district does not exceed two times the Grade 9 enrollment of the district, and the district maintains the 1:20 ratio, with no more the 22 pupils in each participating class.

Summary of Key Issue(s):
The Morgan-Hart Class Size Reduction Act states in *Education Code* (EC) Section 52084(a) that the grade 9 course or the two grade 9 courses included in the program count toward completion of the graduation requirements established in subparagraph (A), (B), (C), or (D) of paragraph (1) of subdivision (a) of *Education Code* (EC) Section 51225.3; provided, however, that one of the courses included in the program shall be English. This waiver request relates to two sections: 52084(b) Certification of the number of grade 9 classes included in the program in the courses designated pursuant to subdivision (a). 52086 (a) The Superintendent of Public Instruction shall apportion to each applicant district an amount equal to one hundred and eighty dollars ($180) per unit of full-year equivalent enrollment reported pursuant to subdivision (d) of Section 52084 if the district certifies an average class size of 20 pupils and no more than 22 pupils in each participating class at each participating school, adjusted annually commencing with the 2000-01 fiscal year for the inflation adjustment calculated pursuant to subdivision (b) of Section 42238.1.

A waiver is requested by the Long Beach Unified School District (LBUSD) to permit targeted students to receive intensive instruction through a full year two period English class and/or full year two period Algebra class.

The LBUSD wants to provide two periods of English for the full school year to selected ninth grade English Language Learners. ELD English I and II are the required English course for English Language Learners at the beginning and intermediate levels of English proficiency and meet English graduation requirements. The LBUSD also wants to provide a two period intensive Algebra ABCD course to selected ninth grade students at the Strategic Intervention level. This intensive course, equivalent to Algebra 1-2, will meet the Algebra graduation requirements and prepare students for the CAHSEE Math.

CDE recommends that this waiver be approved for the 2003-04 school year upon the conditions that some of the participating students will be enrolled in the English class at all times, total funding to the district will not exceed two times the grade 9 enrollment of the district, and all classes will be held to the 1-20 ratio average (with no more than 22 in any one class).

Bargaining unit(s) consulted on: 8/9/03 and 8/19/03

Position of bargaining unit (choose only one):

☐ Neutral ☒ Support ☐ Oppose

Name of bargaining unit representative: Tony Diaz, President of TALB

Mary Jordan, Assistant Executive Director of TALB

Public hearing identified by (choose one or more):

☒ posting in a newspaper ☒ posting at each school ☒ other

(specify) Local cable TV

Public hearing held on: 8/12/03

Local board approval date: 8/12/03

Advisory committee(s) consulted:

Objections raised (choose one): ☒ None ☐ Objections are attached on separate sheet

Date consulted: 7/29/03

Effective dates of request: 9/2/03 to 6/11/04

Fiscal Analysis (as appropriate): N/A

Background Information:

Waiver request forms and supporting documents are attached.

State of California **Department of Education**

Last Minute Memorandum

To: **STATE BOARD MEMBERS** **Date:** **November 12, 2003**

From: **Judy Pinegar**

Re: **ITEM W-13**

Subject **LONG BEACH UNIFIED – 9TH GRADE CLASS SIZE REDUCTION**

The Department is revising the conditions of approval on this board item, pursuant to a discussion with program staff, a district representative, and Board staff.

NEW Conditions of Approval: ☒ **Approval for one year, with the conditions that total funding to the district will not exceed two times the grade 9 enrollment of the district, and all classes will be held to the 1-20 ratio average (with no more than 22 in any one class.)**

This corresponds with clarification of the waiver request from the district as follows:

With 9th grade Class Size Reduction Funds, the district will be funding classes for students in both 9th grade English and 9th grade Mathematics. These classes do meet the graduation requirements as per statute. However the funds will be provided to classes of targeted students who are lower performing in English, and to others who are lower performing in Mathematics. These classes are full year, two block, classes entitled ELD English I & II, and Intensive Algebra ABCD.