

FINAL MINUTES
State Board of Education
March 10-11, 2004

Wednesday, March 10, 2004

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

Members Present

Reed Hastings, President
Joe Nuñez, Vice President
Ruth Bloom
Brent Godfrey
Ruth E. Green
Glee Johnson
Jeannine Martineau
Bonnie Reiss
Suzanne Tacheny
Johnathan Williams

Members Absent

Don Fisher

Secretary and Executive Officer

Jack O'Connell, State Superintendent of Public Instruction

Principal Staff

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

Call to Order

President Hastings called the meeting to order at 9:00 a.m.

Salute to the Flag

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

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Announcements/Communications

Introduction of New Board Members

President Hastings introduced the new Board members: Ruth Bloom, Ruth Green, Glee Johnson, Jeannine Martineau, Bonnie Reiss, and Johnathan Williams. He stated that the Board was thankful to the Administration for the appointments. The new Board members expressed their gratitude for the opportunity to serve on the Board.

Agenda Changes

President Hastings announced that Assembly Member Goldberg and Senator Vasconcellos would be attending the segment on Item 23, which would be held in the afternoon; Items 30, W-12, and W-13 were withdrawn; Item 31 was postponed to the May meeting; and speakers' comments were limited to two minutes on all items.

Swearing In of New Board Members

Superintendent O'Connell administered a ceremonial Oath of Office to the new Board members.

Approval of Minutes (January 2004 Meeting)

- ACTION: Ms. Tacheny moved to approve the meeting minutes for the January 2004 meeting with minor corrections. Mr. Godfrey seconded the motion. The motion was approved by unanimous vote of the members present.

Superintendent's Report

Superintendent O'Connell welcomed the new Board members and noted that the Board appointments further confirm Governor Schwarzenegger's commitment to education.

Superintendent O'Connell stated that, regardless of political philosophies, he knows that each of us wants to ensure that our students receive an education that will prepare them for the future. He noted that in order to succeed, the CDE and the SBE would need to continue to work together on the same team.

Superintendent O'Connell introduced Deborah Sigman, the new Director of the Standards and Assessment Division. Ms. Sigman was previously the Administrator of the Assessment, Research and Evaluation Branch for Sacramento City Unified School District.

Superintendent O'Connell summarized the State of Education speech that he delivered on February 11, 2004. His goals for the next year, for which he would be asking the Board's help, support, counsel and guidance, include the following: (1) improving high schools; (2) reducing bureaucratic burdens on schools; and (3) increasing student achievement gains.

Board Seminars

President Hastings noted that in the past to inform Board members about issues on which they would be taking action, a series of seminars on a variety of topics were organized. He suggested that future seminar topics include the following: (1) the accountability system and intervention; (2) standards and curriculum; and (3) charter schools.

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Note: Items appear in the order they were heard.

ITEM 1	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; election of State Board officers; and other matters of interest.	INFORMATION ACTION
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Election of State Board Officers for 2004

- By consensus the Board postponed the election of Board officers until the May meeting.

Committee and Liaison Assignments of State Board Members

President Hastings explained the purpose of the Board assignments. He requested that the Board members submit to Ms. Belisle their areas of interest. President Hastings announced that an appointment for a representative to WestEd would be coming up at the May meeting. He also noted that the parent representative position on the Advisory Commission on Charter Schools was vacant.

In regards to the English Learner Advisory Committee, President Hastings explained that the original setup of the terms was not staggered, which resulted in all 11 appointments expiring simultaneously. He suggested that the appointments be made at the May meeting on a staggered-basis (six members to three-year terms and five members to two-year terms).

- By consensus the Board directed staff to bring a revision of the current English Learner Advisory Committee appointment process to the Board for approval at the May meeting.

President Hastings encouraged the Board members to submit recommendations for nominations to the English Learner Advisory Committee to Ms. Belisle for action at the May meeting.

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

Dick Bray, on behalf of Association of California School Administrators
 Marilyn Langlois, California Coalition for Authentic Reform in Education
 Jim Woodhead, Advisory Commission on Special Education
 Priscilla Pike, School Board President, Yosemite Joint Union High School District
 Bill McCabe, Superintendent, Yosemite Joint Union High School District
 Terry Moreli, parent, San Juan Capistrano Unified School District
 Caprice Young, California Charter School Association

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Ms. Belisle suggested that a standing item be placed on the agenda for the Special Education Advisory Commission so its report is not limited under public comment. President Hastings stated that it would be put on the agenda.

No action was taken on this item.

ITEM 3	Standardized Testing and Reporting (STAR): Including, but not limited to, approval to allow Grade Eleven Students enrolled in Integrated Mathematics 3 to take the Algebra II California Standards Test (CST).	INFORMATION ACTION
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President Hastings provided an overview. Deborah Sigman, Standards and Assessment Division, provided background information and announced that action on this item was being postponed to allow staff more time to consider some additional ramifications. She provided an update on the process of releasing 25 percent of the test items each year. Ms. Sigman noted that the review and edits of these items were in the final stages. She stated that the Educational Testing Service (ETS) is creating these documents in combination with the CDE in terms of review and edits. Ms. Sigman stated that it is estimated that by early April the final documents would be on the CDE website.

The Board held an in-depth discussion.

Ms. Sigman announced that a meeting had been scheduled with CSU, the CDE and SBE staff, and the contractor (ETS) to discuss some of the nuts and bolts issues, including getting results back to students.

The following individual addressed the Board:
Dick Bray, Superintendent, Hesperia Unified School District

No action was taken on this item.

ITEM 4	Standardized Testing and Reporting (STAR) Program: Approval of Contract Amendment for New Item Development.	INFORMATION ACTION
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Ms. Sigman provided background information. She noted that approval of the contract amendment was dependent on the Department of Finance's approval, as well as legislative approval. Ms. Sigman explained that the requested \$1.9 million funds would come from Title VI funds.

Ms. Belisle explained that the Board had significant authority from the Governor and Legislature in selecting the best testing contractors for the state's testing program (of which STAR is a critical piece). The Board therefore selected ETS as the contractor. Ms. Belisle noted that statute requires Board approval for any contract amendment and Department of Finance (DOF) approval for any increase in cost. An extensive submission process will begin in the near future since the contract expires on December 31, 2005.

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Ms. Tacheny assured the Board that she and President Hastings had worked with the CDE and SBE staff and spent a great deal of time with the DOF staff scrutinizing this issue.

Ms. Reiss inquired about other fiscal decisions the Board would be making at this meeting. President Hastings explained that the Board generally does not deal directly with financial issues, except in the case of the ETS contract and the yearly testing system authorization.

Ms. Belisle noted that any increase in the amount of the contract would require DOF approval. She explained that the Board's motion was contingent on the Legislature approving the Title VI funding plan, which is required by law. The CDE staff had been asked to conform the STAR contract at the end of each budget cycle with what is budgeted. Ms. Belisle stated that all of our contracts are contingent on the amount of money that the Legislature and the Governor give us.

President Hastings stated that related to the Budget, a question that has been asked is why does the state of California spend so much money on testing when we should instead spend more money on educating the student. He noted that as a percent of the total education spending, it is very small.

- ACTION: Ms. Tacheny moved to approve, as recommended by staff, amending the ETS STAR contract to fund the continued item development for the California Standards Tests as presented in Scenario 2 to support test development for the 2005 and 2006 administrations on the conditions that (1) the Department of Finance approves the contract amendment and (2) that the State Legislature approve the \$1,967,672.00 expenditure of Title VI funds. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 5	Standardized Testing and Reporting (STAR) Program: Approval of Performance Standards (Levels) for the Grade 5 Science California Standards Test (CST).	INFORMATION ACTION
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Ms. Sigman brought to the Board's attention changes in the last-minute memorandum and explained the process used to develop the recommended performance standards. Ms. Tacheny acknowledged and thanked the volunteers on the panel.

Ms. Belisle explained that by statute, whenever the Board adopts content or performance standards, the standards must go out for regional public hearings. Three regional hearings would be taking place across the state with public comment being brought back to the Board for final action at the May meeting. President Hastings explained that staff would provide the Board with a written transcript and analysis on the regional public hearings. Ms. Belisle encouraged Board members to participate in the hearings but noted that audiotapes of the public hearings could be made available to them.

The Board held an in-depth discussion.

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- ACTION: Ms. Tacheny moved to approve the proposed performance standards (levels) for the Grade 5 Science CST, as recommended by staff, and direct staff to convene three regional public hearings, with the third hearing to be held during the May Board meeting. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 6	Special Education, Standardized Testing and Reporting (STAR) Program: Approval of scope of work for the 2004-2005 California Alternate Performance Assessment (CAPA).	INFORMATION ACTION
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Ms. Sigman provided background information. She noted that the current contract with ETS will expire on June 15, 2004. Ms. Sigman stated that the Department of Finance had authorized \$2.2 million from Title VI funds to support the 2004-05 administration of CAPA.

Pam McCabe, Special Education Division, provided a brief explanation of CAPA. She noted that 33,000 students participated last year, which was 0.7 percent of the students who were eligible to take STAR. Alice Parker, Special Education Division, noted that on a national front it has been discovered that many states that went with IEP based, alternate assessments, or the portfolio assessments are now struggling to bring that into alignment with No Child Left Behind.

Ms. Belisle highlighted the issue of out-of-level testing. She suggested bringing it back to the Board after the CDE and SBE staffs have looked at it in more detail. Ms. Parker provided a broader explanation of out-of-level testing.

- ACTION: Ms. Green moved to approve the extension of the CAPA contract with ETS through December 31, 2005 and direct the State Board's Testing Liaisons and Executive Director to work with the Department staff to finalize the CAPA Scope of Work. Ms. Bloom seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 7	Standardized Testing and Reporting (STAR) Program: Approval of 2004 District Apportionment Amounts.	INFORMATION ACTION
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Ms. Sigman provided background information. President Hastings clarified that the district apportionment amounts were set to cover all costs.

- ACTION: Ms. Tacheny moved to approve the 2004 STAR district apportionment amounts, as recommended by staff. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 8	Golden State Seal Merit Diploma: Adopt Proposed Title 5 Regulations.	INFORMATION ACTION
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Ms. Sigman provided background information. Mr. Godfrey stated that many students across the state were dismayed with the cancellation of the Golden State Exam but are now very pleased about the potential of getting recognition for their hard work and high achievement.

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Exercising an abundance of caution regarding the appearance of a conflict, Mr. Godfrey indicated that he would not participate in the vote on this item.

- ACTION: Ms. Martineau moved to adopt the proposed regulations regarding the Golden State Seal Merit Diploma and direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval. Ms. Reiss seconded the motion. The motion was approved by a vote of 9-0-1. Mr. Godfrey abstained from voting.

Ms. Steentofte noted that Mr. Godfrey could have voted since he had already been accepted to Yale University and would not have received any economic benefit by receiving a Golden State Seal Merit Diploma.

ITEM 9	California English Language Development Test (CELDT): Update including, but not limited to, 2003 Preliminary Annual Assessment Results.	INFORMATION ACTION
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Ms. Sigman noted that the annual assessment period was July 1st through October 31st each school year. President Hastings provided an overview of the English learner classification.

The Board held an in-depth discussion.

Ms. Sigman brought to the Board's attention an error in Table 7 of the agenda materials. She noted that the 2003 All Grades percentage should be 39 percent.

Ms. Belisle noted that a lot of change has occurred since the passage of Proposition 227. The Board adopted regulations that address the notification of parents and the ability of parents to place their child in an English language classroom at any time they choose.

President Hastings stated that the English learner reclassification varies by school district and school. He recommended holding a seminar regarding this issue.

Mr. Flores addressed questions from the Board.

No action was taken on this item.

ITEM 10	California High School Exit Examination (CAHSEE): Including, but not limited to, Program Update.	INFORMATION ACTION
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Ms. Sigman reported that approximately 228 school districts participated in the February census administration. The next census administration is scheduled for March 16-17, 2004, at which time 450 school districts will be participating. Ms. Sigman stated that make-ups were available in March or May for the February census administration, and in May for the March census administration.

Ms. Sigman noted that in February, HumRRO issued the independent evaluation report of the CAHSEE. The report was distributed to the Board members and Legislature.

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Ms. Sigman stated that the CAHSEE math release items were posted March 8, 2004, on the CDE website and the CAHSEE English-language arts release items were expected to be posted by March 12, 2004. She noted that CDE was preparing a document that would provide some guidance for schools and districts, as requested from the field, as to the best practice in terms of use of the items.

The Board held an in-depth discussion.

Superintendent O'Connell noted the test length has been reduced by one-third and would now be administered in two days, instead of the original three days.

No action was taken on this item.

ITEM 11	General Education Development (GED): Approve Commencement of the Rulemaking Process for Amendments to Title 5 Section 11530(e).	INFORMATION ACTION
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Ms. Sigman provided background information. Mark Fetler, Assessment Office, noted that approximately 60,000 students take the test yearly with a two-thirds pass rate.

- ACTION: Ms. Reiss moved to (1) approve the proposed regulations regarding the General Education Development (GED) exam, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to commence the rulemaking process; and (3) direct CDE staff to conduct a public hearing on the proposed regulations. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 12	No Child Left Behind (NCLB) Act of 2001: Including, but not limited to, a report on the February NCLB Liaison Team meeting, Highly Qualified Teacher issues, and supplemental educational service provider.	INFORMATION ACTION
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Camille Maben, Special Project Coordinator, provided an overview of No Child Left Behind. She discussed a recent letter from the U.S. Department of Education, provided in the last-minute memorandum, that addressed new flexibility for English language learners. Ms. Maben announced that the final draft of the *NCLB Teacher Requirements Resource Guide*, which provides technical assistance to the field on the highly qualified teacher requirements, was now available on the CDE website. She noted that CDE staff would be conducting technical assistance workshops in all 11 regions across the state during the month of March.

Chuck Weis, Chair of the NCLB Liaison Team, provided an overview of the AB 312 Committee. He stated that the Committee's meetings were now being held on an as-needed basis. Mr. Weis reported on the NCLB Liaison Team's February meeting recommendations.

No action was taken on this item.

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Lunch Break: President Hastings called for the lunch break at 12:35 p.m. He reconvened the session at 1:35 p.m.

ITEM 13	<i>No Child Left Behind (NCLB) Act of 2001: Ed-Flex.</i>	INFORMATION ACTION
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Ms. Maben noted that California currently has a timeline waiver pertaining to assessment requirements that was part of the Improving America's Schools Act (IASA), which is currently in the process of being reviewed. The final submission of information requested by the USDE was submitted in October 2003. Ms. Maben informed the Board that a peer review of the waiver by the USDE was scheduled for the week of March 22, 2004.

Ms. Maben stated that the CDE is in the process of working with SBE staff to put together the application for Ed-Flex. According to the USDE, the Ed-Flex application could be turned in contingent upon the IASA timeline waiver being approved. The application could be submitted at the end of April to move right into establishing California as an Ed-Flex state once the timeline waiver is approved.

- **ACTION:** Ms. Martineau moved that the Board's NCLB Liaisons work with Department staff and Board staff to prepare and submit an application to the United States Department of Education for California to qualify as an Ed-Flex state. Ms. Johnson seconded the motion. The motion was approved by a vote of 8-0. Ms. Bloom and Ms. Reiss were not present for the vote.

ITEM 14	<i>No Child Left Behind (NCLB) Act of 2001: Proposed Changes to California's Accountability Workbook.</i>	INFORMATION ACTION
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Bill Padia, Policy and Evaluation Division, stated that the letter from the USDE, discussed in Item 12, provides some opportunity for flexibility in the area of English learners. In order to take advantage of that flexibility and make the system fairer for schools and districts, Mr. Padia pointed out four areas of major changes to the Accountability Workbook that were recommended by CDE: (1) flexibility in not counting the English learner students for AYP purposes if they have been in U.S. schools for less than a year; (2) subgroup size for districts; (3) excluding parent opt-outs from the participation rate; (4) simultaneous release of the AYP and the schoolwide API results in late August.

The following individuals addressed the Board:

Holly Jacobson, California School Boards Association
Sherry Skelly Griffith, Association of California School Administrators

- **ACTION:** Mr. Williams moved that the Board's NCLB Liaisons work with Department staff and Board staff to finalize the changes to the California No Child Left Behind (NCLB) Accountability Workbook and that the final changes, with the approval of the NCLB Liaisons and the Executive Director, be submitted to the United States Department of Education. Ms. Johnson seconded the motion. The motion was approved by a vote of 8-0. Ms. Bloom and Ms. Reiss were not present for the vote.

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ITEM 15	No Child Left Behind (NCLB) Act of 2001: Identifying Title I-funded Local Educational Agencies (LEAs) for Program Improvement.	INFORMATION ACTION
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Joe Barankin, School and District Accountability Division, noted that starting this summer, NCLB would require identification of school districts for program improvement where achievement goals are not being met.

Anne Just, Title I Policy and Partnerships Office, provided an overview of the three options for identifying LEAs for program improvement. She explained that the 2004-05 school year would be the first one to be affected.

The following individual addressed the Board:

Dick Bray, on behalf of Association of California School Administrators

The Board held an in-depth discussion.

- ACTION: Mr. Nuñez moved to approve Option 3 for identifying local education agencies for Program Improvement, as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

President Hastings announced that Item 23 would now be heard out of order with Item 16 to follow. The speakers' comments were limited to two minutes.

ITEM 23	Curriculum Commission: Approval of Criteria for Evaluating K-8 Science Instructional Materials for 2006 Primary Adoption.	INFORMATION ACTION PUBLIC HEARING
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Ms. Tacheny explained that the issue before the Board was to establish criteria to evaluate textbooks and to ensure we have solid textbooks that back up science learning. The issue is not to limit hands-on instruction or to tell teachers how to teach. Ms. Tacheny noted that the audience on this issue of adoption criteria is the publishing industry.

Tom Adams, Curriculum Frameworks and Instructional Resource Division, provided background information on the Curriculum Commission and the adoption process. Edith Crawford, Curriculum Commission, provided background information on the development of the draft criteria. She noted that the primary adoption in science is scheduled to occur in 2006. Ms. Crawford thanked the following individuals: Sandra Mann, Chair of the Science Subject Matter Committee, Stan Metzberg, Committee member of the Science Subject Matter Committee, and Charles Munger, Vice Chair of the Science Subject Matter Committee. She also thanked Ms. Belisle for helping to facilitate the consensus document.

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Ms. Belisle thanked the Curriculum Commission and commended them for their expertise and the time they put into the process. She also thanked Sue Stickel, Deputy Superintendent for the Curriculum and Instruction Branch, for all her help with the revised criteria. Ms. Belisle stated that the topic was about the textbook or instructional resource criteria for the publishing industry. She explained that the State Board is not a rubber stamp to any advisory body to the Board, including the Curriculum Commission, and that the Board has the authority under the law to make revisions to the Curriculum Commission's recommendations.

Ms. Belisle acknowledged that she had received many letters, emails, and listservs regarding this item, which showed her that there was not consensus around the draft criteria. She informed the Board that she had picked a group of people, along with staff from the offices of Assembly Member Goldberg, Senator Vasconcellos, and the CDE to participate in a meeting that was held on Friday, March 5, 2004. The following individuals participated in the meeting: Jim Vanidas (Hewlett-Packard), David Andrews (Professor, California State University, Fresno), Marion O'Leary (Science Dean, California State University, Sacramento), Jim Wilson (Senator Vasconcellos' Office), Christine Bertrand (California Science Teachers Association), Holly Jacobson (California School Boards Association), Dee Brennick (Assembly Member Goldberg's Office), Sue Stickel (CDE, Deputy Superintendent of the Curriculum and Instruction Branch), Don Kairott (CDE, Curriculum Frameworks Unit), Isabelle Garcia (California Teachers Association), and Rachel Jordan (Palo Alto Unified School District). At the meeting, Ms. Belisle requested delineation of the issues that were of most concern. She addressed the changes resulting from that meeting, which were included in the last-minute memorandum.

Public Hearing: Open. 2:52 p.m.

President Hastings announced that speakers were limited to two minutes.

The following individuals addressed the Board:

Jim Vanides, Hewlett-Packard
David Andrews, California State University, Fresno
Marion O'Leary, California State University, Sacramento
Rachel Jordan, Science Resource Teacher, Palo Alto Unified School District
Holly Jacobson, California School Boards Association
Christine Bertrand, California Science Teachers Association
Paul Markowitz, California Teachers Association
Bob Lucas, Delta Education
Jerry Pine, California Institute of Technology
Glen Thomas, former Executive Secretary, Curriculum Commission
Catherine Banker, former Curriculum Commission Member
Martha Schwartz, Ph.D.
Gayle Cloud, parent, Riverside Unified School District
Richard Schwartz, former Curriculum Commission Member
Bill Evers, Research Fellow, Hoover Institution; Commissioner, California State Academic Standards Commission
Nancy Harms, Association of California School Administrators
Steven Nelson, inventor (physics)
Creig Nicks, Association of California School Administrators
Lawrence Woolf, Ph.D., General Atomics

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Nancy Thomas

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

Peggy Barber, Los Angeles Unified School District

Diane Carnahan, Regional Director, K-12 Alliance

Art Sussman, biochemist; State Coordinator, California Building a Presence for Science

Paul Clopton, medical researcher

Sharon Janulaw, President, California Science Teachers Association

Leonard Tramiel

Gary Nakagiri, Science Coordinator, San Mateo County Office of Education

Donald Yost, Modeling Physics Project member

Linda Mook, California Federation of Teachers

Stan Metzberg, Ph.D. Department of Biology, California State University Northridge, Curriculum Commission Member

Assembly Member Jackie Goldberg

Public Hearing: Closed. 3:56 p.m.

President Hastings commended Ms. Belisle on her efforts and for understanding that there was commonality in this debate for the following: (1) the importance of the students learning the standards and being energized about science; (2) supporting the wide range of teaching backgrounds in California; and (3) parental involvement. He acknowledged that Ms. Belisle was able to bring everyone together by synthesizing these common qualities.

Mr. Nuñez extended his appreciation to the Curriculum Commission for their work. Ms. Reiss extended her gratitude to Ms. Belisle for her leadership, and to everyone else for their participation. She noted that the leadership Ms. Belisle showed by getting the input from the diverse community of thinkers, educators, and business leaders was remarkable and it was a privilege to see it happen.

Ms. Green thanked all the speakers. She then expressed her support for textbooks in the teaching of science and the need to have them for all students.

Ms. Belisle reinforced that the criteria would have to be put into operation for purposes of the Instructional Materials Advisory Panel (IMAP) and the Content Review Panel (CRP). She noted that Category I, Science Content/Alignment with Standards, is the critical piece of the criteria and that must be met.

Ms. Bloom addressed the issues of ownership and process. She thanked the speakers for coming and noted that it was unbelievable that they came from all over the state to express their points of views on something that vitally affects our children. Ms. Tacheny acknowledged that Ms. Belisle's efforts were phenomenal and thanked everyone for their work. Mr. Godfrey commented that it was exciting to see so many people energized and participating in the dialogue.

- **ACTION:** Mr. Nuñez moved to adopt the revised Criteria for Evaluating K-8 Science Instructional Materials for the 2006 Primary Adoption. Ms. Reiss seconded the motion. The motion was approved by unanimous vote of the members present.

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President Hastings announced that the Board would conclude the day's session at 5:30 p.m.

ITEM 16	<i>No Child Left Behind (NCLB) Act of 2001: Title IX, Persistently Dangerous Schools (PDS): Adopt revisions to the definition used in designating Persistently Dangerous Schools.</i>	INFORMATION ACTION
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Meredith Rolfe, Safe and Healthy Kids Program Office, provided background information.

The Board held an in-depth discussion.

Chuck Nichols, Safe and Healthy Kids Program Office, explained that an advisory committee of field administrators felt that the presented definition would not cause a safe school to be erroneously labeled persistently dangerous for things that are totally out of their control. He noted that information on the number of violent incidents for schools would be available in the Consolidated Application this spring.

- ACTION: Mr. Nuñez moved to adopt the proposed revisions to the definition used in designating Persistently Dangerous Schools, as recommended by staff, and to direct staff to prepare regulations for this definition. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 17	<i>No Child Left Behind (NCLB) Act of 2001: Title I Committee of Practitioners: Approval of Appointments.</i>	INFORMATION ACTION
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- ACTION: Ms. Reiss moved to appoint Michele Howard, Robert Teegarden, and Gerry Thompson to the Title I Committee of Practitioners. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 18	<i>No Child Left Behind (NCLB) Act of 2001: Local Educational Agency Plans.</i>	INFORMATION ACTION
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President Hastings explained the concept of proposed consent items. The Board members agreed that the SBE staff recommendation items for proposed consent would continue but any item could be pulled off proposed consent at the meeting if there were questions or concerns.

- ACTION: Ms. Tacheny moved to approve the local educational agency plans as recommended by staff. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 19	<i>No Child Left Behind (NCLB) Act of 2001: Supplemental Educational Service Providers required by Title I Section 1116(e).</i>	INFORMATION ACTION
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President Hastings commented that this item was typically placed on proposed consent.

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- ACTION: Mr. Nuñez moved to approve the staff-recommended list of Supplemental Educational Services Providers to be included on the list of providers for the 2003-04 school year. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 20	California State Plan (1999-2004) for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension for one year and approval of performance goals for 2004-2005.	INFORMATION ACTION
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Patrick Ainsworth, Secondary, Postsecondary and Adult Leadership Division, provided background information and explained changes in the last-minute memorandum.

- ACTION: Mr. Nuñez moved to extend the California State Plan for the Workforce Investment Act for one year and approve the proposed performance goals for 2004-05, as recommended by staff in the last-minute memorandum. Ms. Green seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 21	Curriculum Commission: Appointment of Instructional Materials Advisory Panel (IMAP) member and Content Review Panel (CRP) experts for the 2004 Healthy Primary Adoption.	INFORMATION ACTION
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President Hastings commented that this item is typically placed on proposed consent.

- ACTION: Ms. Martineau moved to approve the appointment of one (1) Instructional Materials Advisory Panelist and three (3) Content Review Panelists for the 2004 Health Primary Adoption of Instructional Materials, as recommended by the Curriculum Commission, conditioned on the joint conflict-of-interest review by the Board's and the Department's legal counsels. Ms. Bloom seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 22	Instructional Materials: Approve Commencement of the Rulemaking Process for Amendments to Title 5, Sections 9515 and 9517, and Addition of Section 9517.1 for Follow-up Adoptions.	INFORMATION ACTION
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Mr. Adams provided background information. He noted that a public hearing was tentatively scheduled for May 10, 2004.

- ACTION: Mr. Nuñez moved to (1) approve the proposed regulations regarding Follow-up Adoptions of Instructional Materials, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with technical modifications that may be identified and incorporated by staff, subject to the approval of the Executive Director of the State Board; (2) direct staff to commence the rulemaking process; and (3) direct CDE staff to conduct

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a public hearing on the proposed regulations. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

PROPOSED CONSENT ITEMS (Items 24-27)

ITEM 24	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.	INFORMATION ACTION
ITEM 25	Mathematics and Reading Professional Development Program (AB 466): Approval of Requests for Local Educational Agency (LEA) Reimbursement for 2003-04.	INFORMATION ACTION
ITEM 26	The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding and information on Evaluation Process for the Principal Training Program.	INFORMATION ACTION
ITEM 27	The Principal Training Program (AB 75): Approval of Training Providers.	INFORMATION ACTION

- ACTION: Ms. Tacheny moved that the State Board take the actions recommended by staff in Items 24, 25, 26, and 27 as follows:
 - Item 24. Approve as an AB 466 professional development provider the Sacramento County Office of Education and its training curriculum for Prentice Hall, *Timeless Themes, Timeless Voices*, Grades 9 and 10.
 - Item 25. Approve fiscal year 2003-04 AB 466 reimbursements for the list of Local Educational Agencies recommended by staff, with the understanding that these LEAs have complied with the required assurances of the AB 466 program.
 - Item 26. Approve the list of Local Educational Agencies and Consortia AB 75 applications for funding by name only, with the actual funding amounts to be determined by CDE staff pursuant to the provisions of AB 75.
 - Item 27. Approve as AB 75 training providers the list of training providers recommended by staff.

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

President Hastings introduced Jerry Hayward, who had come to make a presentation on an evaluation. President Hastings thanked Mr. Hayward for coming to the meeting but stated that the presentation would be better heard at a later time.

ITEM 28	Funding Approval for the California Healthy Kids Resource Center for State Fiscal Year 2003-2004.	INFORMATION ACTION
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Phyllis Bramson-Paul, Nutrition Services Division, provided background information.

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Ms. Reiss asked if this could be coordinated with the Department of Health Services (DHS). Ms. Bramson-Paul stated that the CDE is working with the DHS by leveraging this money through the Nutrition Network Program. Fifty percent of federal matching funds are being brought in. The CDE is using these matching funds to help support the adoption of physical education standards, which is something that will help to address obesity.

President Hastings announced that this item would return at the end of the agenda on Thursday.

ITEM 29	Teaching As A Priority Block Grant Program: Approval of Evaluation in Accordance with <i>Education Code</i> Section 44735(h).	INFORMATION ACTION
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Mr. Vasey provided background information.

The Board held an in-depth discussion.

- ACTION: Ms. Martineau moved to approve the evaluation of the Teaching as a Priority Block Grant, as recommended by staff. Ms. Green seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 30	Special Education: Approve Extension of the Submission Date for Special Education Local Plan Area (SELPA) Annual Budget and Service Plans.	INFORMATION ACTION
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This item was withdrawn.

ITEM 31	Special Education: Adopt Regulation 3088.1 and 3088.2 regarding withholding funds to enforce special education compliance.	INFORMATION ACTION
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This item was postponed to the May meeting.

Bagley Keene Open Meeting Act

At President Hastings' request, Ms. Steentofte reviewed the Bagley-Keene Open Meeting Act criteria for the new Board members. She stated that the people's business must be conducted in public. She addressed two prohibitions under the Act: (1) a majority of members may not discuss business of a specific nature that is within the subject matter jurisdiction of the Board; and (2) serial meetings. Ms. Steentofte cautioned the Board members to reserve discussion of Board matters amongst themselves for the public meeting.

Adjournment of Day's Session

President Hastings announced that the Board would be meeting in Closed Session at 8:00 a.m. on Thursday morning. The Public Session would begin at approximately 9:00 a.m. President Hastings adjourned the day's session at 5:31 p.m.