

FINAL MINUTES
State Board of Education
May 12-14, 2004

Wednesday, May 12, 2004

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

Members Present

Ruth E. Green, 2004 President
Reed Hastings, 2003 President
Glee Johnson, Vice President
Joe Nuñez
Ruth Bloom
Jeannine Martineau
Bonnie Reiss
Suzanne Tacheny
Johnathan Williams

Members Absent

Don Fisher
Brent Godfrey

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

FINAL MINUTES
State Board of Education
May 12-14, 2004

Approval of Minutes (March 2004 Meeting and April 2004 Seminar)

- ACTION: Ms. Martineau moved to approve the minutes for the March 2004 meeting and the April 2004 seminar with minor corrections. Ms. Johnson seconded the motion. The motion was approved by a vote of 6-0. Mr. Williams, Ms. Bloom and Ms. Reiss were not present at the time of the vote.

Announcements/Communications

Special Guest

President Hastings announced that Secretary for Education Richard Riordan would be attending a portion of the morning's session.

Agenda Changes

President Hastings announced that Item 3 would be heard at approximately 11:00 a.m.; Item 44 had been withdrawn; Items 45 and 46 were postponed at the request of the district and chief petitioner; and, as noticed in the agenda, Waiver Items W-7 through W-17 would be heard following Item 23.

Ethics Training

President Hastings announced that training would be conducted during the lunch break for those Board members who had not yet completed their ethics training.

Superintendent's Report

Superintendent O'Connell informed the Board of the CDE's efforts in recognizing the 50th anniversary of *Brown vs. Board of Education*. He reported that the CDE website has been revamped to become more user friendly for school districts. Superintendent O'Connell announced that the changes approved by the Board in March to the No Child Left Behind (NCLB) accountability workbook had been well received. He commented on his efforts to promote more flexibility to use a growth model in the NCLB definition of Adequate Yearly Progress. U.S. Senator Christopher Dodd (Connecticut) recently introduced legislation to allow states to use a growth model for NCLB. In conclusion, Superintendent O'Connell provided an update on the status of the California School Information Services.

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 Officers for 2004

In accordance with the Board's bylaws, Superintendent O'Connell chaired this portion of the meeting.

FINAL MINUTES
State Board of Education
May 12-14, 2004

Superintendent O'Connell explained the election process and called for nominations for the office of president.

Ms. Reiss stated that the Governor and Secretary for Education Riordan wanted to applaud President Hastings for his incredible service and leadership. She noted that his dedication, passion, and commitment to education in California have been remarkable.

- **NOMINATION FOR OFFICE OF PRESIDENT:** Ms. Reiss nominated Ms. Green for the Office of President for 2004. Mr. Hastings seconded the nomination.

Superintendent O'Connell called for further nominations. He then closed the nominations for the office of president.

Superintendent O'Connell called for nominations for the office of vice president.

Ms. Reiss thanked Mr. Nuñez for his incredible service as vice president.

- **NOMINATION FOR OFFICE OF VICE PRESIDENT:** Ms. Reiss nominated Ms. Johnson for the Office of Vice President for 2004. Ms. Tacheny seconded the nomination.

Superintendent O'Connell called for further nominations. He then closed the nominations for the office of vice president.

- **ACTION:** Mr. Nuñez moved that the State Board elect Ms. Green to the Office of President for 2004 and Ms. Johnson to the Office of Vice President for 2004 by acclamation. Ms. Bloom seconded the motion. The motion was approved by unanimous vote of the members present.

Superintendent O'Connell congratulated the newly elected officers. Mr. Hastings passed the gavel to President Green.

President Green thanked her colleagues for their vote of confidence. Ms. Johnson stated that it was an honor to be both a State Board officer and member.

Reaffirmation of Current Executive Director

- **ACTION:** Ms. Johnson moved that the State Board reaffirm the appointment of Rae Belisle as the Executive Director of the State Board. Ms. Bloom seconded the motion. The motion was approved by unanimous vote of the members present.

Special Guest

Secretary for Education Richard Riordan stated that the Governor believes every child has a right to a quality education. He acknowledged that the Board has done a great job setting higher standards and extended his thanks to the Board members, Ms. Belisle, and Superintendent O'Connell.

FINAL MINUTES
State Board of Education
May 12-14, 2004

In accordance with the tradition of the Board, President Green requested that Mr. Hastings continue to preside over the remainder of the meeting.

Meeting Schedule Evaluation

Mr. Hastings provided an overview of the meeting schedules (every-other-month versus every month). The Board discussed the pros and cons of the schedules.

- By consensus, the members present agreed to continue the meeting schedule of every-other-month with reconsideration in one year (May 2005).

Future Seminars

Mr. Hastings discussed integrating seminars into every Board meeting as done in the past.

Board Member Liaison Assignments

Mr. Hastings encouraged the Board members to speak to Ms. Belisle regarding liaison assignments that were still vacant.

WestEd Board

Mr. Hastings announced that Sacramento County Office of Education Superintendent David Meaney is retiring. He thanked Superintendent Meaney for his service. Mr. Hastings announced that the Board President would be making an appointment to the vacant position at the July meeting.

National Association of State Boards of Education (NASBE)

The Board held a discussion regarding the pros and cons of the NASBE membership.

- By consensus, the members present approved payment of the NASBE dues for July 1, 2003 through June 30, 2004, and further agreed that the Executive Director should pursue with NASBE, if possible, a one-year suspended status (July 1, 2004 through June 30, 2005).

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:

Lisa Ramer, Marin County Schools, Joint Legislative Advisory Committee
Richard Hunter, parent, school psychologist

No action was taken on this item.

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM 4	Standardized Testing and Reporting (STAR) program: Including, but not limited to, Program Update.	INFORMATION ACTION
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Deb Sigman, Director of the Standards and Assessment Division, provided a brief update and presented the official seal for the Golden State Seal Merit Diploma.

No action was taken on this item.

ITEM 5	Standardized Testing and Reporting (STAR) Program: Approval of Apportionment for 2003 Administration of the California Alternate Performance Assessment (CAPA).	INFORMATION ACTION
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Ms. Sigman provided background information.

- ACTION: Ms. Tacheny moved to approve the district apportionment of \$5.00 per student assessed with the California Alternative Performance Assessment (CAPA) in the spring of 2003. President Green seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 6	Standardized Testing and Reporting (STAR) Program: Designation of the Spanish Assessment of Basic Education, Second Edition (SABE/2) as the primary language test for the 2004-2005 school year.	INFORMATION ACTION
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Ms. Sigman explained that SABE/2 is currently mandated to be administered to students who have been in a California public school less than 12 months at the time of testing and it is an option for English learners who have been in the system greater than 12 months.

Ms. Bloom asked if there were any primary language tests in languages other than Spanish. Ms. Sigman stated that currently there are no other languages available, as the Spanish version is the only test that meets the guidelines stipulated by law.

Mr. Hastings noted that SABE/2 is a norm-referenced test that does not test the standards and is not included in the API.

- ACTION: Ms. Tacheny moved to designate the Spanish Assessment of Basic Education, Second Edition (SABE/2), as the primary language test for the 2004-2005 school year, pending reauthorization of a norm-referenced primary language assessment. Mr. Williams seconded the motion. The motion was approved by a vote of 8-0. Mr. Nuñez was not present at the time of the vote.

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM 7	Standardized Testing and Reporting (STAR) Program: Public Hearing and Adoption of Performance Standards (Levels) for the Grade 5 California Standards Test (CST) in Science.	INFORMATION ACTION PUBLIC HEARING
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Ms. Sigman reported that no comments had been received at the two previous public hearings that were relative to the performance standards levels.

Public Hearing: Open. 10:13 a.m.

Mr. Hastings announced that speakers were limited to two minutes.

The following individuals addressed the Board:

Martha Diaz, Californians Together Coalition

Dick Bray, on behalf of Association of California School Administrators

Public Hearing: Closed. 10:16 a.m.

Mr. Hastings called for Board deliberation.

- **ACTION:** Ms. Johnson moved to adopt the performance standards (levels) for the Grade 5 California Standards Test in Science, as recommended by staff. Ms. Bloom seconded the motion. The motion was approved by a vote of 8-0. Mr. Nuñez was not present at the time of the vote.

ITEM 8	California High School Exit Exam (CAHSEE): Including, but not limited to, Program Update.	INFORMATION ACTION
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Ms. Sigman noted that the preliminary rates on the CAHSEE indicate that the participation rate is up. She announced that the CAHSEE preliminary report would be brought to the Board in September 2004 and the Adequate Yearly Progress results would be posted in August 2004. She stated that the Educational Testing Service had been awarded the 2004-2007 CAHSEE administration contract and WestEd had been awarded the SB 964 study contract.

No action was taken on this item.

ITEM 9	California English Language Development Test (CELDT): Including, but not limited to, Program Update.	INFORMATION ACTION
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Ms. Sigman noted that the CDE is seeking legislation related to the No Child Left Behind requirement that kindergarten and first grade testing be added to the CELDT battery in reading and written expression.

No action was taken on this item.

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM 10	California English Language Development Test (CELDT): Approve Commencement of the Rulemaking Process for Amendments to Title 5 California Code of Regulations.	INFORMATION ACTION
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Ms. Sigman provided background information.

- ACTION: Ms. Johnson moved to (1) approve the proposed regulations regarding the California English Language Development Test (CELDT), 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 the CDE staff to conduct a public hearing on the proposed regulations. Ms. Bloom seconded the motion. The motion was approved by a vote of 8-0. Mr. Nuñez was not present at the time of the vote.

Mr. Hastings announced that Item 3 would be heard next, followed by Item 20.

ITEM 3	Special Presentation: The Improvement of Student Achievement in the Los Angeles Unified School District.	INFORMATION
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Los Angeles Unified School District (LAUSD) Superintendent Roy Romer presented a strategy for the improvement of student achievement. He provided an overview of how LAUSD has utilized this concept. The strategy framework consists of standards, curriculum aligned to standards, intense and continuous training of teachers and administrative personnel, periodic diagnostic assessment, and utilizing test data to improve instruction and manage the system.

Mr. Hastings thanked Superintendent Romer for his presentation and stated that it is tremendous what LAUSD has been doing. Ms. Tacheny and Mr. Williams commended Superintendent Romer for the passion, candor and the leadership he has demonstrated.

The Board held an in-depth discussion on the weighted student formula and how to get the message out regarding LAUSD's results.

This item was for information only. No action was taken.

Mr. Hastings announced that Item 20 would be heard out of order to accommodate Assembly Member Jackie Goldberg's schedule.

ITEM 20	Instructional Materials: Adopt Proposed Amendments to Title 5, Sections 9515 and 9517, and Addition of Section 9517.1 for Follow-up Adoptions.	INFORMATION ACTION
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Assembly Member Jackie Goldberg expressed concern related to the English language development (ELD) instructional materials for English learners and her opinion that ELD materials aligned to the ELD standards should be funded through the Instructional Materials

FINAL MINUTES
State Board of Education
May 12-14, 2004

Funding Realignment Program. The Assembly Member also stated her view that the flexibility should be part of these regulations.

The Board held an in-depth discussion regarding the follow-up adoption and state funding for the purchase of materials. Ms. Belisle affirmed the sensitivity of the ELD issues that Assembly Member Goldberg raised, but stated that these regulations were simply implementing a statute authorizing the imposition of a fee on publishers who sought to participate in a follow-up adoption process. She reminded the Board members that the follow-up adoptions had been cancelled recently due to lack of funding. The statute allowing the fee was not broad enough to allow the Board to address ELD materials in this context. Ms. Belisle suggested that the Board agendaize that discussion for a future meeting, adding that it was not within the scope of the current item.

Mr. Hastings thanked Assembly Member Goldberg for her input. Ms. Martineau suggested having a seminar on the process of adopting instructional materials in July.

Note: Further discussion and action on this item was later taken in its original order.

Lunch Break: Mr. Hastings called for the lunch break at 12:06 p.m. He reconvened the meeting at 1:04 p.m.

ITEM 11	General Education Development (GED): Adopt Amendments to Title 5 Regulations.	INFORMATION ACTION
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Ms. Sigman informed the Board that the testing center would determine if the increased fee is passed onto the examinee or not. She stated that two comments were received at the public hearing held on May 10, 2004.

- ACTION: Mr. Williams moved to adopt the proposed regulations related to the General Education Development (GED) exam and direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval. President Green seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 12	<i>No Child Left Behind (NCLB) Act of 2001</i> : Including, but not limited to, a report on the May NCLB Liaison Team meeting, Highly Qualified Teacher issues, Ed-Flex/Timeline Waiver, and the Title 1 Program Review Visit.	INFORMATION ACTION
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Camille Maben, Special Project Coordinator, reported that the issues discussed at the NCLB Liaison Team meeting on May 11, 2004, included (1) identification of program improvement districts; (2) set aside portion of Title I Part A funds; and (3) persistently dangerous schools.

Ms. Maben updated the Board on the Improving America's Schools Act (IASA) timeline waiver and Ed-Flex application. She informed the Board of the U.S. Department of Education's

FINAL MINUTES
State Board of Education
May 12-14, 2004

(USDE) concerns regarding the accountability workbook changes. Ms. Maben reported on the highly qualified teacher technical assistance for the field. She noted that U.S. Secretary of Education Rod Paige has provided more flexibility on highly qualified teacher, especially for rural teachers. Ms. Maben noted that the USDE would be visiting California for a Title I monitoring visit in September.

The Board held an in-depth discussion regarding the participation rate identified by Secretary Paige, the flexibility surrounding teachers, and online teaching.

No action was taken on this item.

ITEM 13	<i>No Child Left Behind (NCLB) Act of 2001: Title 1 Committee of Practitioners.</i>	INFORMATION ACTION
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Joe Barankin, Director of the School and District Accountability Division, provided background information.

The Board considered a proposal regarding the appointment of the Committee's chair.

The following individual addressed the Board:

Sherry Skelly Griffith, Association of California School Administrators

- ACTION: Ms. Bloom moved to approve, with a modification to allow the State Board President to select the chair and vice chair (who must be a member of the Title I Committee of Practitioners), the policy governing the Title I Committee of Practitioners, as presented in the agenda materials. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Hastings announced that Item 14 would be postponed to Thursday.

ITEM 15	<i>No Child Left Behind (NCLB) Act of 2001: State and local accountability report cards, including approval of report templates and data definitions for 2003-04, pursuant to Public Law 107-110 Section 1111(h) and California Education Code Section 33126.1(f).</i>	INFORMATION ACTION
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Bill Padia, Director of the Policy and Evaluation Division, explained the changes in the accountability report cards. Ms. Belisle noted that there were technical corrections for accuracy that needed to be made.

The following individual addressed the Board:

Sherry Skelly Griffith, Association of California School Administrators

- ACTION: Ms. Tacheny moved to approve, with technical changes for accuracy, including the highly qualified teacher definition, subject to the approval of the Executive Director of the State Board, the data definitions and template for the School Accountability Report

FINAL MINUTES
State Board of Education
May 12-14, 2004

Card for 2003-04 (to be published in 2004-05), the embedding of the District Report Card in the School Accountability Report Card, and the template for State Report Card for 2003-04. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 16	No Child Left Behind (NCLB) Act of 2001: Approve Supplemental Educational Service Providers required by Title 1 Section 1116(e).	INFORMATION ACTION
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Mr. Barankin asked the Board to approve the recommended providers.

- ACTION: Ms. Martineau moved to approve the staff-recommended list of Supplemental Educational Services Providers to be included on the list of providers for the school year. 2004-05. Ms. Johnson seconded the motion. The motion was approved by unanimous vote of the members present.

Note: Additional providers were approved at the Thursday session.

ITEM 17	No Child Left Behind (NCLB) Act of 2001: Approve Commencement of the Rulemaking Process for Amendments to Title 5 Regulations for the No Child Left Behind Teacher Requirements.	INFORMATION ACTION
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Bill Vasey, Director of the Professional Development and Curriculum Support Division, brought to the Board's attention suggested technical changes to the proposed regulations. He noted that additional amendments to the regulations are anticipated as further guidance from the federal government is provided.

- ACTION: Mr. Williams moved to (1) approve the proposed amendments to regulations regarding the *No Child Left Behind* Teacher Requirements, 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, and direct staff to commence the rulemaking process; (2) approve the revision to the High Objective Uniform State Standard Evaluation (HOUSSE) forms for the Certificate of Compliance; and (3) direct the 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 18	Safe and Drug Free Schools and Communities: Amendment: Board Policy 03-01 (Federal Waiver – Safe and Drug Free School Innovative Program Under No Child Left Behind (NCLB)).	INFORMATION ACTION
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Mary Weaver, Interim Director of the Learning Support and Partnership Division, explained the reasons for amending the current policy.

FINAL MINUTES
State Board of Education
May 12-14, 2004

- ACTION: Ms. Martineau moved to approve the amendments to California State Board of Education Policy 03-01 (Federal Waiver—Safe and Drug Free School Innovative Program under NCLB), as recommended by staff. Ms. Tacheny seconded the motion. The motion was approved by a vote of 8-0. Ms. Reiss was not present at the time of the vote.

ITEM 19	No Child Left Behind (NCLB) Act of 2001: Approve Commencement of the Rulemaking Process for Persistently Dangerous Public Elementary and Secondary Schools Regulations.	INFORMATION ACTION
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Ms. Weaver noted that the Board had requested these proposed regulations to be developed.

- ACTION: Ms. Johnson moved to (1) approve the proposed regulations regarding Persistently Dangerous Public Elementary and Secondary Schools, 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 the CDE staff to conduct a public hearing on the proposed regulations. Mr. Williams seconded the motion. The motion was approved by a vote of 8-0. Ms. Reiss was not present at the time of the vote.

Mr. Hastings announced that the Board was returning to Item 20 in its original order.

ITEM 20	Instructional Materials: Adopt Proposed Amendments to Title 5, Sections 9515 and 9517, and Addition of Section 9517.1 for Follow-up Adoptions.	INFORMATION ACTION
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Tom Adams, Director of the Curriculum Frameworks and Instructional Resource Division, provided a context for the development of the regulations.

The following individuals addressed the Board:

Martha Diaz, Californians Together Coalition

Pilar Mejia, California Association for Bilingual Education, representing San Francisco Unified School District

Lisa Ramer, California Teachers of English to Speakers of Other Languages

The Board discussed English language learner instructional materials. Mr. Hastings acknowledged at Ms. Bloom's request that the main issue under this item was raising the fee for publishers. Ms. Bloom suggested that English language development be a topic of discussion at a future meeting. Mr. Hastings recommended a seminar where various points of views on English language instruction could be heard. Ms. Martineau requested that the supplemental materials be discussed as a whole to include all components, not only English language learners.

Ms. Tacheny suggested that when looking at the instructional materials policy around flexibility, that the Board should look at the main ingredients in the policy (e.g. alignment with standards; inclusion of benchmark assessments; teacher guide with information on how to design a

FINAL MINUTES
State Board of Education
May 12-14, 2004

classroom, etc.), so the Board is able to have a more rational conversation when this issue comes up.

- **ACTION:** Ms. Tacheny moved to adopt the proposed regulations related to Follow-up Adoptions for Instructional Materials and direct staff to complete the rulemaking package and submit it to the Office of Administrative Law for approval. Ms. Martineau seconded the motion. The motion was approved by a vote of 8-0. Ms. Reiss was not present at the time of the vote.

ITEM 21	Textbook Weight in California: Analysis and Recommendations.	INFORMATION ACTION
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Mr. Adams presented the report and recommendation on the textbook weight.

The Board held an in-depth discussion regarding the difficulty of setting a cap on textbook weight. Mr. Nuñez stated that this was bureaucracy at its worst. Ms. Bloom stated that this issue should be a parental responsibility to teach organizational skills and common sense, not the responsibility of the Board.

Ms. Johnson commented that the Board would adopt the standard since there was a statutory requirement, but she expressed concern that the Board was adopting a standard that was higher than actual experience to date. She commented that she would like to see more emphasis on encouraging school districts, or working with publishers, to come up with how they can afford to do classroom sets or working with options for storage facilities at school districts to address this problem.

Ms. Belisle stated that there is no easy answer to this issue. Ms. Belisle commented that if the Board comes back with regulations on this issue a broader conversation would probably be facilitated.

The following individual addressed the Board:

Sherry Skelly Griffith, Association of California School Administrators

- **ACTION:** Ms. Martineau moved to adopt the Curriculum Commission's recommendation establishing the specified weight thresholds for a single-volume student edition text and requiring publishers to provide a lighter-weight option for the appropriate grade level if the text weight thresholds are exceeded. These standards will be incorporated into criteria for evaluating materials adopted after July 1, 2004. Also direct that the Department determine if regulations are necessary to implement this requirement and, if so, bring proposed regulations to the Board in July. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM 22	Advisory Commission on Special Education: Report on Activities.	INFORMATION ACTION
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Jim Woodhead, Member of the Advisory Commission on Special Education, announced that the Commission had appointed Barbara Monroe and himself as liaisons in an effort to improve communication with the Board.

Mr. Woodhead reported on the Commission's focus for this year, which included four issues of imminent concern for students with disabilities: (1) funding for special education; (2) reauthorization of Individuals with Disabilities Education Act (IDEA) by the federal government; (3) California High School Exit Exam (CAHSEE); and (4) Algebra I requirement. The Commission's recommendations on CAHSEE included (1) the exploration of alternative evaluations; (2) the exploration of alternative diplomas; (3) a review of accommodations, including consultation with higher education; and (4) clarification of the purpose of CAHSEE to students with disabilities.

No action was taken on this item.

ITEM 23	Special Education: Approve amendments to proposed Title 5 Regulations regarding withholding funds.	INFORMATION ACTION
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Ms. Parker, Director of the Special Education Division, informed the Board that due to substantive changes, the regulations would need to be sent out for another 45-day public comment period and another public hearing would be held on July 6, 2004.

The following individual addressed the Board:
Peggy Barber, Los Angeles Unified School District

- **ACTION:** Ms. Johnson moved to (1) amend, as recommended by staff, the proposed regulations 3088.1 and 3088.2 regarding withholding funds to enforce special education compliance; and (2) direct staff to send out the proposed amendments for a 45-day public comment period, conduct a public hearing, and bring the amended proposed regulations to the Board for action at the July meeting. President Green seconded the motion. The motion was approved by a vote of 8-0. Ms. Reiss was not present at the time of the vote.

Mr. Hastings announced that Waiver Items W-7 through W-16 would now be heard.

FINAL MINUTES
State Board of Education
May 12-14, 2004

NON-CONSENT WAIVERS (Items W-7 through W-16)

ALGEBRA 1 GRADUATION REQUIREMENT (under 56101)

ITEM W-7	Request by Sacramento City Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 20 special education students based on EC 56101, the special education authority. Waiver Number: 146-3-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-8	Request by Lucia Mar Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 18 special education students based on EC 56101, the special education authority. Waiver Number: 9-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-9	Request by Butte County Office of Education to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 1 (one) special education student based on EC 56101, the special education authority. Waiver Number: 25-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-10	Request by Oakdale Joint Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 4 (four) special education students based on EC 56101, the special education authority. Waiver Number: 45-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM W-11	Request by San Marcos Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be able to give a diploma of graduation for 8 (eight) special education students based on EC 56101, the special education authority. Waiver No: 16-3-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-12	Request by Temple City Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be able to give a diploma of graduation to 3 (three) special education students based on EC 56101, the special education authority. Waiver No: 14-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-13	Request by Norwalk La Mirada Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 1(one) special education student based on EC 56101, the special education authority. Waiver No: 30-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-14	Request by Tehachapi Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be able to give a diploma of graduation to eight (3) special education students based on EC 56101, the special education authority. Waiver No: 106-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
ITEM W-15	Request by East San Gabriel SELPA to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 1 (one) special education student based on EC 56101, the special education authority. Waiver Number: 92-4-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM W-16	Request by Vista Unified School District to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be given a diploma of graduation for 33 special education students based on EC 56101, the special education authority. Waiver Number: 15-3-2004 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Parker announced that Waiver Item W-17 was withdrawn. She explained the nature of the waivers.

The following individual addressed the Board:

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

- ACTION: Ms. Martineau moved to (1) approve the waiver requests under Waiver Items W-7 through W-16, with conditions, as recommended by staff; and (2) request that local educational agencies report to CDE the number of students under their waiver who actually did not complete Algebra I. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

Ms. Belisle noted for the record that these are *Education Code* Section 56101 waivers, with the basis of the Board's waiver being that there is a hindrance to implementing the Individual Education Program (IEP). She stated that the IEP has nothing to do with the state's requirement for graduation. Ms. Belisle explained that the conflict was created when the IEP stated the student would not take algebra but the diploma track box was also marked. She emphasized that the letter sent to school districts by the CDE must be very clear that the IEPs need to be reevaluated to ensure they do not state diploma track if the child is not meeting the state requirements for a diploma, which includes passing Algebra I.

The Board held an in-depth discussion on the Algebra I requirement for special education students and possible diploma alternatives, including certificates of completion.

ITEM W-17	Request by various local educational agencies to waive <i>Education Code</i> (EC) Section 51224.5(b), the requirement that all students graduating in the 2003-04 year be required to complete a course in Algebra I (equivalent) to be able to give a diploma of graduation to special education students based on EC 56101, the special education authority. This is a placeholder for special education waivers to be added in a Last Minute Memorandum. Waiver Number: various	ACTION
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This item was withdrawn.

FINAL MINUTES
State Board of Education
May 12-14, 2004

ITEM 24	Mathematics and Reading Professional Development Program (AB 466): Approve Commencement of the Rulemaking Process for Amendments to Title 5 Sections 11981 and 11985.	INFORMATION ACTION
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Bill Vasey, Director of Professional Development and Curriculum Support Division, provided background information. He noted that these regulations addressed a technical clarification of AB 466.

- ACTION: Ms. Johnson moved to (1) approve the proposed amendments to regulations related to the AB 466 Mathematics and Reading Professional Development Program, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, with any 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. Mr. Williams seconded the motion. The motion was approved by unanimous vote of the members present.

PROPOSED CONSENT ITEMS (Items 25-29 and 33)

ITEM 25	Mathematics and Reading Professional Development Program (AB 466): Approval of Reimbursement Requests.	INFORMATION ACTION
ITEM 26	Mathematics and Reading Professional Development Program (AB 466) (Chapter 737, Statutes of 2001): Approve Extension of Current Contract for Reviewing and Archiving AB 466 Training Materials.	INFORMATION ACTION
ITEM 27	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 28	The Principal Training Program (AB 75): Approval of Local Educational Agencies (LEAs) and Consortia applications for funding.	INFORMATION ACTION
ITEM 29	Principal Training Program (AB 75): Approval of Providers.	INFORMATION ACTION
ITEM 33	Reading First: Approval of Grant Appeal by the Washington Unified School District.	INFORMATION ACTION

- ACTION: Ms. Reiss moved to approve the staff recommendations under Items 25, 26, 27, 28, 29, and 33 as follows:
 - Item 25. Approve the attached lists of local educational agencies (LEAs) in the agenda materials that have complied with required assurances for the AB 466 Program pursuant to *Education Code* Section 99234(g).

FINAL MINUTES
State Board of Education
May 12-14, 2004

- Item 26. Approve the extension of the current contract with Orange County Department of Education through June 30, 2005, to create an archive of approved training curricula, produce quarterly reports on the contents of the archive, and manage the review of training curricula submitted for Board approval.
- Item 27. Approve the recommended providers and training curricula for the purposes of providing professional development under the provisions of the Mathematics and Reading Professional Development Program (AB 466).
- Item 28. Approve the attached list of local educational agencies (LEAs) in the agenda materials and the Consortia that have submitted applications for funding under The Principal Training Program (AB 75), with specific amounts for each LEA or Consortium to be determined by CDE staff in accordance with the established practice for this program.
- Item 29. Approve the list of Recommended Training Providers for The Principal Training Program (AB 75).
- Item 33. Approve a Reading First grant award for Washington Unified School District based on the district's round-two application.

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

ITEM 30	English Learner Advisory Committee: Revision of Term of Office and Appointment of Members.	INFORMATION ACTION
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Ms. Belisle recommended changes to stagger the terms.

- ACTION: Mr. Williams moved to approve the revisions to the English Learner Advisory Committee Term of Office, as recommended by staff. Ms. Bloom seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Hastings requested nominations from each Board member for the English Learner Advisory Committee. He stated that more nominations would be presented in July. The Board president would make these initial staggered terms.

- ACTION: Ms. Johnson moved to appoint Mary Coronado Calvario, Kiyoko Masuda, Dolores Val Rains, Elizabeth G. Salcido, and Ana F. Ponce to the English Learner Advisory Committee for terms commencing June 1, 2004. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

Mr. Hastings announced that Item 31 would be postponed to Thursday.

ITEM 32	Reading First: Approval of Round Three Grant Awards.	INFORMATION ACTION
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Mr. Vasey provided background information.

FINAL MINUTES
State Board of Education
May 12-14, 2004

The Board held an in-depth discussion regarding bilingual education. Ms. Reiss commented on the Governor's strong belief that learning English is essential to the success of all children in California.

- ACTION: Ms. Tacheny moved to (1) direct staff to rank the grant applications by score and in accordance with the requirements of AB 1485, and (2) approve the awards based on the rankings and subject to the availability of funding, with any minor technical corrections approved by the Executive Director of the State Board. Ms. Martineau seconded the motion. The motion was approved by unanimous vote of the members present.

Adjournment of Day's Session

Mr. Hastings announced that the Board would be meeting in Closed Session at 8:00 a.m. on Thursday with the Public Session starting at approximately 9:00 a.m. Mr. Hastings adjourned the day's session at 3:42 p.m.