

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

Thursday, April 25, 2002

California Department of Education
721 Capitol Mall, Room 166
Sacramento, California

Members Present

Reed Hastings, President
Joe Nuñez, Vice President
Erika Goncalves
Susan Hammer
Nancy Ichinaga
Donald Fisher
Carlton J. Jenkins
Suzanne Tacheny

Members Absent

Robert J. Abernethy
Marion Joseph
Vicki Reynolds

Call to Order

President Hastings called the meeting to order at 8:06 a.m.

Salute to the Flag

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

Announcements/Communications

President Hastings announced the following changes to the agenda:

- At the request of the Department, Item 25 would be heard at approximately 10 a.m. to accommodate the speaker's schedule.
- Item 23 was withdrawn.
- Item 31 was withdrawn.
- Waiver item W-5 was withdrawn.
- Item 34 was deferred until May at request of the Department.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM 10	STATE BOARD PROJECTS. Including 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
---------	--	--------------------

[Attachment 6, Report on Child Nutrition Advisory Council Meeting and Memoranda on Appointments to Child Nutrition Advisory Council.]

Praise for John Mockler

President Hastings informed the Board and the audience that the time had arrived for kudos for former executive director John Mocker. He invited the Board and the audience to participate, but noted that he had a special presentation to make first.

President Hastings read a resolution from Governor Davis honoring Mr. Mockler's legacy of work on behalf of California's children and young adults. In the resolution, Governor Davis proclaimed April 25, 2002, John B. Mockler Day.

Mr. Fisher stated that Mr. Mockler's leadership has been practical, sensible, and with a steady hand. Ms. Tacheny commented that of all the many important things she has learned from Mr. Mockler, the value of a loyal friend is the most important. Mrs. Ichinaga spoke of her admiration for his "smartness" and thanked him for his efforts on behalf of California's children. On behalf of Superintendent Eastin, Ms. Fausset thanked Mr. Mockler for his work in the interest of California's children.

President Hastings acknowledged the respect he had for Mr. Mockler from their initial meeting and for his graciousness in sharing his knowledge and information. Mr. Brandsma said that Mr. Mockler is his friend and mentor. Mr. Nuñez noted that he truly appreciated Mr. Mockler's years of work to improve education. Mr. Jenkins stated that he just wanted to thank Mr. Mockler for being "cool" and for making the process of being a Board member much less intimidating. Speaking as the father of a 13-year old still in public school, Mr. Jenkins expressed his heartfelt thanks to Mr. Mockler. Ms. Hammer remarked that Mr. Mockler's impact over the decades on education is extraordinary. He is a walking encyclopedia for education. Ms. Hammer added that she appreciates Mr. Mockler's sense of humor.

David Patterson, CANEC, noted that Mr. Mockler is smart, works hard, and is excellent at the game, but fundamentally he cares about the kids. Deborah Connelly stated that as the staff person for the Board's charter schools, she is thankful for Mr. Mockler's generosity with his time and his knowledge. Don Bridge, CTA, offered his congratulations to Mr. Mockler for his service to California's children as well as his pivotal role in Proposition 98. Doug McRae said that Mr. Mockler knows a lot more about testing than he does. Santiago Jackson, Los Angeles Unified School District, remarked that one element that had not been talked about is how outrageous Mr. Mockler can be. Mr. Jackson expressed his respect and appreciation for Mr. Mockler's deep commitment to equity.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

November Meeting Date Change and Proposed 2003 Meeting Calendar

President Hastings directed the Board’s attention to a memo proposing a change in the dates of the November meeting to November 13 and 14 to accommodate the Student Advisory Board on Education Conference.

- ACTION: By consensus, the State Board approved the change in the November 2002 meeting dates to November 13-14.
- ACTION: By consensus, the State Board approved the proposed 2003 meeting calendar.

California Distinguished School Awards

President Hastings informed the Board members that they were invited to attend the May 24 California Distinguished Schools Awards ceremony at the Disneyland Hotel.

Assessment Advisory Group

Ms. Tacheny recommended working with CDE staff to pull together a small technical advisory group to focus on the operations side of assessment, including student test data and the NCLB Act. She noted that there has not been a group to help us wrestle with assessment issues.

ITEM 11	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
---------	---	-------------

The following individuals addressed the Board:
Teresa Pina, Indio Charter School
Kennedy Rocker, Indio Charter School
David Patterson, CANEC

In response to concerns raised by the speakers from Indio Charter School, Ms. Hammer requested that the Department respond to the concerns and problems. Deputy Superintendent Susie Lange replied that Department staff has devoted many hours to this problem and will provide a report to the Board on this matter. Mr. Fisher asked when the issues needed to be resolved and was told that the school would need a resolution of the issue by September.

ITEM 12	Assignment of Numbers for Charter School Petitions.	ACTION
---------	---	--------

ITEM 13	Appointments to the Child Nutrition Advisory Council.	ACTION
---------	---	--------

ITEM 14	Request to Fund the Recommended List of Public Charter Schools Grant Program Applications.	ACTION
---------	--	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM 15	California Technology Assistance Project Grants.	INFORMATION ACTION
ITEM 16	Statewide Education Technology Services: Approval of Three-Year Contracts.	INFORMATION ACTION
ITEM 17	Extending Approval of Special Education Local Plan Area (SELPA) Local Plans from December 31, 2002, to June 30, 2003.	ACTION
ITEM 18	Implementation of SB 1632: School Accountability Report Card (SARC).	INFORMATION ACTION
ITEM 20	Animo Inglewood Charter High School (Charter School #432): Modification of the State Board's Conditional Approval of the Petition.	INFORMATION ACTION

[Attachment 7, List of Public Charter Schools Grant Program Applications (Item 14).]

President Hastings stated that Items 12 through 18 and 20 were proposed consent items and could be acted on as a group.

- ACTION: Mr. Fisher moved that the State Board approve the staff recommendations on the proposed consent items: Items 12, 13, 14, 15, 16, 17, 18, and 20. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 19	Advisory Commission on Charter Schools: Modification of Policy and Appointment of Member.	INFORMATION ACTION
---------	---	--------------------

President Hastings noted that there was no nominee to fill the vacancy on the Commission at this time, so the Board would just be acting on the policy change. Mr. Geeting stated that the policy modification before the Board reflects the current practice.

- ACTION: Mr. Jenkins moved that the State Board approve the proposed modification of the policy establishing the Advisory Commission on Charter Schools. [The matter of appointment of a member to fill the vacancy on the Advisory Commission was postponed to a future State Board meeting.] Ms. Goncalves seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM 21	Legislative Update: Including, but not limited to, Legislation Regarding Student Possession of Electronic Signaling Devices at School.	INFORMATION ACTION
---------	--	--------------------

[Attachment 8, Legislative Item.]

Erika Hoffman, Government Affairs Office, explained that SB 1253 (Figueroa) allows local boards to determine their own policy on electronic signaling devices, such as cell phones.

Mr. Fisher asked that the legislative information be submitted with the first agenda materials and updated information be presented at the meeting. He also requested that Ms. Hoffman provide a status update on the ten most important legislative proposals. Ms. Hoffman asked for direction from the Board on what those important issues would be for the State Board. Ms. Tacheney responded by listing the five priority areas discussed at the Board retreat: standards; accountability; professional development; instructional materials; and communication. President Hastings commented that easily the most significant issue for education is the budget process.

Ms. Hoffman reported that the AB 961 clean-up bill is SB 508, which primarily makes technical and clarifying changes that are clerical in nature, including modifying deadlines. She said that SB 508 could be on the Governor’s desk in a week. Of the Governor’s three bills, two (AB 1781 and AB 2540) had moved out of the Assembly Education Committee.

- ACTION: Ms. Goncalves moved that the State Board take a “support in concept” position on Senate Bill 1253 (Figueroa), expressing the State Board’s agreement with the measure’s basic premise that “governing boards of school districts are in the best position to determine what policy on the use and possession of electronic signaling devices is best for their schools,” but recognizing that the specifics of the measure may change as the bill proceeds through the legislative process. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 26	CDE Procurement of School Intervention and Assistance Team Providers for Intervention in Cohort I II/USP schools that failed to make significant growth in either of two implementation cycles and Program Improvement schools in corrective action.	INFORMATION ACTION
---------	--	--------------------

Wendy Harris, School Improvement Division, informed the Board that II/USP schools that have declining API scores for two years in a row are subject to sanction. One hundred twenty-two Cohort I schools did not make growth in the first year. Superintendent Eastin, with the Board’s approval, will send intervention teams to schools that do not have growth in the second year. These schools must adopt the recommendations of the team. Ms. Harris asked that the Board approve the proposed criteria for the team members.

Ms. Harris noted that the statute requires that panelists have proven, successful expertise in specific

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

areas. With two edits, she believes that the list of criteria includes all of the Board’s criteria for external evaluators. The word “successful” would be added to “recent demonstrated expertise” and the criterion for professional development that addresses standards-based instruction would say, “focused” on State Board-approved instructional materials.

Mr. Fisher asked about funding available for these teams. Ms. Harris responded that \$50,000 to \$75,000 per team is the estimated cost for the first level diagnosis, reporting to the schools, and monitoring school progress. There has been discussion on how to fund any efforts beyond that and whether schools must pay for those efforts out of current funds. Mr. Fisher stated that he does not see how change can happen with such limited funding. Ms. Fausset commented that the Department is learning from this experience everyday and staff has found that with appropriate state leverage, the school can focus existing resources on specific areas and see improvement. Mr. Fisher asked what is the next step after the year of team intervention for what could possibly be 122 schools. Ms. Harris responded that the next step would call for state intervention.

Mr. Nuñez stated that this team involvement follows the efforts of the external evaluators, which have not successfully addressed problems at school sites. He added that he hopes teachers are included in this new team approach.

Ms. Tacheny requested additional changes to the criteria. She suggested that the third bullet be changed to state, “The use of STAR assessment information, as well as standardized, criterion-referenced and other assessments, to guide school planning.” In addition, she suggested adding a new bullet: “Knowledge of state-adopted content standards and assessments.”

- ACTION: Ms. Tacheny moved that the State Board approve the proposed criteria for School Assistance and Intervention Team Providers with the amendments presented by CDE staff and by Ms. Tacheny in the course of the State Board’s consideration. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 22	Consolidated State Application for “No Child Left Behind Act of 2001.”	INFORMATION ACTION
---------	--	--------------------

[Attachment 9, Memo on the Consolidated State Application for NCLB.]

President Hastings asked Ms. Belisle to present a report on the federal negotiated rulemaking panel of which she is one of 20 members from 15 states.

Ms. Belisle reported that this was a very valuable experience and the process of bringing in stakeholders is something the Board might want to consider. The key elements of the federal statute as it relates to assessment and accountability include science assessments in three grade spans by 2012: grades 3 -5, 6-9, and 10-12. At the high school level, the federal government wants to have assessments in grades 10-12 on what all students should know about science, math, and reading-language arts. The federal requirements raise issues that the Board will have to address in the next six months. There is also a new federal privacy policy. More data is required under NCLB, including district- and state-level data. The

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

federal government wants more student access to assessment, including for English learners. Ms. Belisle noted that she is opening a public hearing in San Diego on the proposed federal regulations. Ms. Belisle commented that the process of promulgating the regulations will take several more months. The process of rulemaking is also taking place for defining Adequate Yearly Progress (AYP).

Mr. Whitmore stated that the good news is the due date for the consolidated state application was deferred until after the May meeting, but the bad news is there is no final federal register on performance goals and indicators. We will have the next six months to formalize the state changes, including legislation, in response to NCLB requirements. The definition of “highly-qualified teachers” is being tackled now so that a clear definition is in place by the fall. Teachers hired after school starts for 2002-03 must be “highly qualified”. The infrastructure for low-performing schools is another strategic issue that must be addressed. Data collection must be changed to meet new federal requirements. We need to look at how we define the school dropout rate. Some data are now required by federal government that we do not collect in California. Mr. Whitmore remarked that a lot of work is needed in the Legislature to find additional Department staff and funds.

President Hastings asked what policy decisions the Board would need to make in the four areas identified by Mr. Whitmore: assessment, highly-qualified teachers, data collection, and low-performing schools. Mr. Whitmore replied that the state’s application will be what we are doing now and the direction we are going.

President Hastings stated that once the direction we are going in is included in the plan, it will be difficult to change. He again asked in what areas the Board would need to make policy decisions. Mr. Whitmore said that the May 2003 state plan is the final statement laying out the California state plan. In this initial (2002) application, he would like to play as few cards as possible.

President Hastings asked that the Board be fully informed of the direction that needs to be set in May. He requested that a memo distilling the information be included in the agenda materials to facilitate Board discussion of the trade offs. Mr. Brandsma suggested progress reports on the discussions between the Department and the Board staff. He commented that we want to be able to access the federal funds as soon as possible.

Mr. Jenkins noted that one of the performance goals is to ensure that all students are educated in an environment that is “conducive to learning” and inquired how encompassing the term “conducive to learning” was. Mr. Whitmore responded that the Department already collects information on healthy kids and school safety.

Mr. Nuñez remarked that Mr. Whitmore had mentioned meeting with the Commission on Teacher Credentialing and others in defining “highly-qualified teachers”, but did not mention other stakeholders who are very interested in that definition, such as teachers. Mr. Whitmore noted that Mr. Brandsma was pulling together the next meeting.

No action was taken on this item.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM 25	SEA Intervention in Long-Term Program Improvement Schools: An Overview of the 2001 Scholastic Audit Process.	INFORMATION
---------	--	-------------

Deputy Superintendent Joanne Mendoza reported that the Department had looked at other state’s models in developing the scholastic audit process. She described the audit visit process. When the 13 audits were completed, they looked for any commonalities. These schools had higher percentages of English learners, Hispanic students, African American students, uncredentialed teacher, and poverty. Ms. Mendoza noted that there were six common findings. President Hastings asked for written information on the findings. [Attachment 10, Unlocking the Potential of Low-Performing Schools.]

Los Angeles USD Superintendent Roy Romer stated that this team approach can be a creative agent for change. The LAUSD took all the recommendations of the team and added more. The 10-school audit was a wake-up call. What really happened was a change in district management. The management had to get into the trenches. Mount Vernon Middle School went on a single track instead of multiple tracks and created three smaller academies in the school. Mr. Romer commented that real accountability requires what was done in the 10-school audit, looking at what is going on in every classroom. In a period of cutback, districts need flexibility to fund key instructional programs. Districts are very concerned about the definition of “highly-qualified teachers”.

Mr. Fisher stated that one supervisor for 16 schools seems to be spread too thin. Mr. Romer responded that with budget cuts, the supervision would be spread even thinner.

Mrs. Ichinaga stated that a certified teacher is not necessarily a better teacher than a non-credentialed teacher. Her school had great success with training non-credentialed teachers. The federal government equates having a credential with being a good teacher and that is not always true. President Hastings stated that the key is to evolve the certification system to move people into the system quickly.

Mr. Jenkins asked about resource allocation in the ten schools, including the problems created by resource allocation and how those problems were being addressed. Mr. Romer responded that the problem was not one of resource allocation, but of low expectations. Quality instruction is the key.

President Hastings said that it was not clear that auditing and findings will be a successful approach in changing schools that are resistant to change. Mr. Romer said that the ingredients that made the process work were using an outside team with power and expertise and having consequences. The procedure puts schools in the position of having to change, to act immediately. The management of a district has to look at how management allows the problems to continue.

Ms. Tacheny pointed out that the scores posted in the LAUSD for reading are a source of hope. President Hastings asked what was different about the auditing process that made it powerful. Mr. Whitmore responded that what made the audit effective was that the teams had principals and other practitioners who could identify the problems at the school, there were resources to have the teams in the school for a week, and the power of the federal government because these were Title I schools.

Ms. Mendoza recognized Mr. Romer’s efforts in the LAUSD and thanked Ms. Harris and Hanna

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

Walker, Specialized Programs Division, for their good work.

President Hastings requested an update on the 13 audited schools in the fall when the API data is published.

ITEM 23	State Flexibility Demonstration Program in “No Child Left Behind Act of 2001” (PL 107-110, NCLB).	INFORMATION ACTION
---------	---	--------------------

This item was withdrawn at the request of the Department.

ITEM 24	Request for Waiver under the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the “No Child Left Behind Act of 2001” (PL 107-110, NCLB).	INFORMATION ACTION
---------	---	--------------------

Mr. Whitmore stated that for the last six years, federal funds have come into the Department on a consolidated application. When the federal share of funds received is larger than the state share, a waiver can be requested.

- ACTION: Ms. Hammer moved that the State Board authorize the CDE to request a waiver under an applicable provision of federal law in order to allow the state to consolidate the amounts available for state administration of Elementary and Secondary Education Act (ESEA) programs only if a majority of the state’s resources come from non-federal sources. Ms. Goncalves seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Mr. Fisher was not present when the vote was taken.

ITEM 27	Public Hearing and Adoption of Permanent Regulations on Charter School Facilities	PUBLIC HEARING ACTION
---------	---	-----------------------

Jan Sterling, School Fiscal Services Division, presented the item. She reported on the four pieces of correspondence received on the proposed regulations. Based on some of these comments, the Department is recommending six amendments. [Attachment 11, Proposition 39 Regulations—Proposed Amendments.]

Carol Bingham, School Fiscal Services Division, walked the Board through the recommended amendments. Mr. Jenkins asked about other comments made or issues raised that are not addressed in these amendments. Ms. Bingham responded that some comments were about the statute itself and some were on issues raised during the stakeholders meetings. Ms. Sterling advised that the proposed regulations are not a consensus document; they are the most balanced compromise that could be reached.

President Hastings opened the Public Hearing 11:16 a.m.

The following individuals addressed the State Board:

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

Brian Bennett, Ridgecrest Charter School
Phillip Escamilla, California School Boards Association
Kevin Reed, Los Angeles USD

President Hastings closed the Public Hearing at 11:38 a.m.

President Hastings asked for an explanation of the process to amend the regulations. Ms. Belisle explained that if the Board makes the proposed changes, the regulations must go out for 15-day public review. If the Board does not make any changes, the permanent regulations could be approved.

Mr. Fisher stated that he wants to return to 25 students in section 11969.8(a) and change seven days to seven working days in section 11969.9(g).

Mr. Jenkins asked why the term “reasonable efforts” was not defined in the regulations. President Hastings responded that the statute provides some definition.

Mr. Nuñez commented that regarding the issue of seven days versus seven working days, when schools are getting ready to open, weekends are irrelevant. Staff is in the schools on the weekend and on holidays. Ms. Hammer stated that she thought that the speaker representing the LAUSD made a compelling argument on overcrowding issues and wondered if there was some way to help overcrowded districts. President Hastings responded that he did not think there is an easy solution. In the regulations, districts have complete geographical flexibility within their boundaries.

Mr. Fisher suggested an additional change in the proposed regulations related to standardizing forms used by charter schools to request facilities. [Attachment 12, Proposal Regarding Issuance of Forms.] Ms. Bingham stated that this suggestion creates more work for the Department and may be a mandate for districts. Mr. Fisher noted that this only applies to State Board-approved charters. Ms. Belisle asked for an explanation of why it would be a mandated cost to districts. She stated that she thought the proposed amendment could be put forward. She added that the Department of Finance makes the call on whether it is a mandated cost.

Ms. Lange asked if the fear was that districts will make an onerous process. Mr. Fisher replied that he thinks a standard form makes it easier for everyone. Ms. Lange stated that since the Board can require a State Board-approved charter to use a specific form, she would suggest that it not be included in regulations. Ms. Sterling commented that section 11969.9(c)(3) in the proposed changes would accomplish what Mr. Fisher wanted.

- **ACTION:** Mr. Fisher moved that the State Board direct that the proposed regulations be amended and circulated for 15-day public review in accordance with the Administrative Procedure Act, then returned to the State Board for action at the May 2002 meeting. The amendments are to be those proposed by CDE staff, except for the proposed amendment to reduce (from 25 to 20) the threshold average daily attendance related to reimbursement rates for over-allocated space, and with the incorporation of a provision that the form for the submission of requests for facilities which is to be made available by the California Department of Education

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

is to be developed in consultation with the Advisory Commission on Charter Schools. Ms. Hammer seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 28	General Educational Development (GED) Test: Including, but not limited to, Title 5 Regulations.	PUBLIC HEARING ACTION
---------	---	-----------------------

Mark Fetler, Standards and Assessment Division, stated that no comments were received during the public review period.

President Hastings opened the Public Hearing at 12:00 p.m. There were no speakers. President Hastings closed the Public Hearing at 12:00 p.m.

- ACTION: Ms. Hammer moved that the State Board approve the regulations as proposed. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 29	Adoption of Permanent English Learner Regulations.	ACTION
---------	--	--------

President Hastings noted that these proposed regulations are guidelines for providing services to English learners. He stated that the goal is improving the academic performance of EL students. He requested an update on the academic progress of EL students

Mr. Garcia presented charts documenting the academic growth of EL students. [Attachment 13, API Growth by Racial/Ethnic Subgroups, 1999-2001.] He reported that as an API subgroup, Hispanic /Latino students made more gains between 1999 and 2001 than any other subgroup. English learner students gained 51 points from 1999 - 2001.

Mr. Nuñez commented that the important thing for him was the charts are showing these subgroups are making progress.

Jan Mayer, Language Policy and Leadership Office, provided a summary of the four comments received during the public review period.

The following individuals addressed the Board:

Mary Hernandez, META
Francisco Estrada, MALDEF
Martha Zaragoza-Diaz, CABE
Ron Unz
Holly Jacobson, CSBA
Lisa Ramer, ACSA

President Hastings proposed striking the language in lines 10 through 18 on page 9, including the

FINAL MINUTES
 State Board of Education
 Thursday, April 25, 2002

Board’s own amendments within those lines. Ms. Hammer thanked President Hastings for all his work with the field on these regulations.

- ACTION: Ms. Hammer moved that the State Board direct that the proposed regulations be amended as follows:
 1. On page 9, line 10, strike out “Once a waiver has been granted”
 2. On page 9, strike out lines 11 to 18, inclusive
 3. On page 9, line 19, strike out “(4)” and insert “(3)”
 4. On page 10, line 8, strike out “(5)” and insert “(4)”

The amended regulations are to be circulated for 15-day public review in accordance with the Administrative Procedure Act and then returned to the State Board for action at the May 2002 meeting. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 30	Approval of 2001-2002 Consolidated Applications	ACTION
---------	---	--------

Keric Ashley, Consolidated Program Accountability Unit, reported on the consolidated application for the Sacramento City USD. He noted that two months ago the district was on the list for conditional approval. The district has since resolved its non-compliance issues, and the Department now recommends regular approval of the Sacramento City USD consolidated application.

- ACTION: Mr. Jenkins moved that the 2001-2002 Consolidated Application of the Sacramento City Unified School District be granted regular approval in accordance with the recommendation of CDE staff. Ms. Goncalves seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Mr. Fisher was not present when the vote was taken.

ITEM 31	Revised Waiver Guidelines for Instructional Time (Minutes and/or Days) Incentive Program Penalty (Retroactive). Modified because of Senate Bill 178 (Chapter 573, Statutes of 2001).	INFORMATION
---------	--	-------------

This item was withdrawn at the request of the Department.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

WAIVERS: CONSENT, PROPOSED CONSENT, AND NONCONSENT WAIVERS

CONSENT WAIVERS (WC-1 through WC-21)

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM WC-1	Request by Cloverdale Unified School District for a renewal waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act of 1998 (P.L. 105-332). CDSIS-9-3-2002 (Recommended for APPROVAL)	ACTION
-----------	--	--------

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-2	Request by twelve districts for a retroactive waiver of Education Code (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have an audit finding for the 1999-2000 fiscal year that they either 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. (SEE ATTACHED LIST) (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM WC-3	Request by nineteen districts for a retroactive waiver of Education Code Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have an audit finding for the 2000-2001 fiscal year that they either 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. (SEE ATTACHED LIST) (Recommended for APPROVAL)	ACTION
-----------	--	--------

NONPUBLIC SCHOOL/AGENCY (Annual renewal application timeline)

ITEM WC-4	Request by Los Angeles Unified School District to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals. Booth High School, Hillside Academy, and Ofman Learning Center. CDSIS-17-1-2002 (Recommended for APPROVAL)	ACTION
-----------	---	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM WC-5	Request by Puente Hills SELPA to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals. Career Staff Unlimited. CDSIS-46-12-2001 (Recommended for APPROVAL)	ACTION
ITEM WC-6	Request by Santa Barbara County SELPA to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals. Devereux School. CDSIS-27-1-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-7	Request by the West Contra Costa County School District to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for nonpublic, nonsectarian school/agencies. Richmond Educational Learning Center (NPS). CDSIS-19-3-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-8	Request by Torrance Unified School District to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals. The Learning Gym (NPA). CDSIS-1-3-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-9	Request by West Orange County Consortium to waive Education Code (EC) Section 56366.1(g) the August 1 through October 31 timeline requirement on annual certification renewals for nonpublic, nonsectarian schools/agencies. Restor Physical Therapy, Inc. (NPA). CDSIS-3-3-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-10	Request by the El Dorado County Office of Education to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals of nonpublic, nonsectarian schools/agencies. Guiding Hands, Inc. (NPA). CDSIS-8-2-2002 (Recommended for APPROVAL)	ACTION

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM WC-11	Request by Poway Unified School District to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for nonpublic, nonsectarian schools/agencies. New Bridge School (NPS). CDSIS-16-2-2002 (Recommended for APPROVAL)	ACTION
------------	--	--------

ITEM WC-12	Request by Newport Mesa Unified School District to waive Education Code (EC) Section 56366.1(g), the August 1 through October 31 timeline requirement on annual certification renewals for nonpublic, nonsectarian schools/agencies. South Coast Priority School (NPS). CDSIS-45-1-2002 (Recommended for APPROVAL)	ACTION
------------	--	--------

REGIONAL OCCUPATIONAL PROGRAM—UNDER 16 YEARS

ITEM WC-13	Request by Los Angeles Unified School District 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-4-3-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

RESOURCE SPECIALIST CASELOAD

ITEM WC-14	Request from Cottonwood Union School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Cindy Ritter, East Cottonwood School. CDSIS 35-2-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	--	--------

ITEM WC-15	Request from Union Elementary School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Ellie Carpenter, Kent Garibaldi, Perri Sweet and Martha Phillips at Dartmouth Middle School. CDSIS 37-1-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM WC-16	Request from El Segundo Unified School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Susan Saxonberg, Richmond Street School. CDSIS 31-3-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

ITEM WC-17	Request from Ventura County SELPA to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Vicki Surroz, Topa Topa Elementary. CDSIS 32-3-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	--	--------

ITEM WC-18	Request from Newport Mesa Unified School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Francie Albers, Newport Coast Elementary. CDSIS 40-12-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

ITEM WC-19	Request by Bonita Unified School District to waive Education Code (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. Laura Montenegro, Christopher Romero and Joyce Porter-Reynolds at Bonita High School. CDSIS 54-12-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
------------	---	--------

SUMMER SCHOOL MEAL (original request)

ITEM WC-20	Request by Tulare City School District to waive Education Code (EC) Section 49550, the State Meal Mandate during the summer school session. CDSIS-25-2-2002 (Recommended for APPROVAL)	ACTION
------------	--	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

SUMMER SCHOOL MEAL (renewal request)

ITEM WC-21	Renewal requests by 10 districts to waive Education Code (EC) Section 49550, the State Meal Mandate during the summer school session. (See list attached) (Recommended for APPROVAL)	ACTION
------------	--	--------

Judy Pinegar, Waiver Office, noted that under WC-3 there were only 18 districts requesting the waiver and that Dublin Unified School District should not have been included in the list of districts under this waiver item. Ms. Pinegar commented that these waiver requests are the first for 2000-01 and they are for very minor and inadvertent omissions by the districts. She added that she has asked for clean-up language on this issue that would call for the public hearings on instructional materials to be publicly noticed in the manner that the district customarily provides notice.

The following individual addressed the Board on WC-14:
Sue Sheridan, CARS Plus

- ACTION: Ms. Hammer moved that the State Board approve the consent waiver requests set forth in Items WC-1 through WC-21, including the conditions proposed under Items WC-13, WC-14, WC-15, WC-16, WC-17, WC-18, and WC-19, in accordance with the recommendations of CDE staff. [The motion recognized that the request from Dublin Unified School District was deleted from the list of requests recommended for approval under Item WC-3; the Dublin Unified request was incomplete.] Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

PROPOSED CONSENT WAIVERS
ASSISTIVE TECHNOLOGY/MATERIALS

ITEM W-1	Request by East Valley SELPA, Fontana Unified SELPA, and San Bernardino City Unified SELPA, to renew their waiver of Education Code (EC) Section 56836.22(d) allowing 10% of state low incidence funds to be utilized for the purchase of assistive technology/materials for assessment, and trail use, prior to purchasing specific items for specific identified students. CDSIS-8-3-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	--	--------

DIGITAL HIGH SCHOOL

ITEM W-2	Request by Geyserville Unified School District to waive Education Code (EC) Section 52260(b) regarding expenditure of Digital High School (DHS) grant funds prior to approval of the grant by the SBE. CDSIS-20-2-1001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	---	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM W-4	Request by Shoreline Unified School District for a retroactive waiver of Education Code Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. This district has an audit finding for fiscal year 2000-2001 for not holding a public hearing. CDSIS-48-01-2002 (Recommended for APPROVAL)	ACTION
----------	---	--------

MATHEMATICS PROFESSIONAL DEVELOPMENT

ITEM W-6	Request by four districts for a waiver of Education Code Section 44721(a) to allow use of AB 1331 Grant funds for per diem and release time for teacher training in mathematics instruction. (See list attached) (Recommended for APPROVAL)	ACTION
----------	---	--------

NONPUBLIC SCHOOL/AGENCY (Child specific)

ITEM W-7	Request by Manhattan Beach Unified School District to waive Education Code (EC) Section 56366.1(a), the certification requirement, for an uncertified nonpublic school (Center for Learning Unlimited) to provide services to one special education student Eric B. CDSIS-14-10-2001 (Recommended for APPROVAL)	ACTION
----------	---	--------

ITEM W-8	Request by Ravenswood Unified School District for a retroactive waiver 9/1/98 to 6/01/99 to waive Education Code (EC) Section 56366.1(a), certification requirements, for an uncertified nonpublic school (Stellar Academy) to provide instruction to a specific special education student, Gerardo C. CDSIS-10-10-2001 (Recommended for APPROVAL)	ACTION
----------	--	--------

ITEM W-9	Request by Berryessa Unified School District for a retroactive waiver 9/6/00 to 3/6/01 to waive Education Code (EC) Section 56366.1(a), certification requirement, for an uncertified nonpublic school (Stellar Academy) to provide instruction to a specific special education student, Shane W. CDSIS-24-10-2001 (Recommended for APPROVAL)	ACTION
----------	---	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM W-10	Request by Hayward Unified School District for a retroactive waiver 9/1/99 to 8/30/00 Education Code (EC) Section 563.66.1(a), certification requirement, for an uncertified nonpublic school (Stellar Academy) to provide instruction to a specific special education student, Julian B. CDSIS-3-11-2001 (Recommended for APPROVAL)	ACTION
-----------	--	--------

ITEM W-11	Request by Berryessa Unified School District for a retroactive waiver 9/6/99 to 6/15/00 to waive Education Code (EC) Section 56366.1(a), certification requirement, for an uncertified nonpublic school (Stellar Academy) to provide instruction to a specific special education student, William V. CDSIS-15-11-2001 CDSIS-16-11-2001 (Recommended for APPROVAL)	ACTION
-----------	--	--------

ITEM W-12	Request by New Haven Unified School District for a retroactive waiver (1/11/99 to 8/30/99; 9/1/00 to 3/6/01; and 9/1/99 to 8/30/00) of Education Code (EC) Section 56366.1(a), certification requirement, for an uncertified nonpublic school to provide instruction to a specific special education student, Travis A. (Recommended for APPROVAL)	ACTION
-----------	---	--------

OUT-OF-STATE EXCURSIONS AND FIELD TRIPS

ITEM W-15	Request by Eureka City School District for a renewal waiver of a portion of Education Code (EC) Section 35330(d) to allow expenditure of funds and transportation allowances out-of-state for students engaged in out-of-state excursions and field trips. CDSIS-30-03-2002 (Recommended for APPROVAL) E.C. 33051(c) will apply	ACTION
-----------	---	--------

OUT-OF-STATE TRAVEL (EAST Technology Grants)

ITEM W-16	Request by three districts to waive Education Code (EC) Section 35330(d) to allow Out-of-State Travel for students participating in the EAST Technology Grants. CDSIS-42-2-2002 Lodi Unified School District CDSIS-32-2-2002 Oroville Union High School District CDSIS-36-2-2002 West Contra Costa Unified School District (Recommended for APPROVAL)	ACTION
-----------	---	--------

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

PETITION—Instructional Materials Fund

ITEM W-17	Petition request under Education Code (EC) Section 60200(g) by Pollock Pines Elementary School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin Mathematics</i> , Grade 6) using Instructional Materials Fund (IMF) monies. CDSIS-18-2-2002 (Recommended for APPROVAL)	ACTION
-----------	---	--------

SB 1882 STAFF DEVELOPMENT FUNDS

ITEM W-18	Request by Anaheim Union High School District to renew a waiver of Education Code Section 44671(c) to coordinate the use of district SB 1882 Staff Development funds for three high schools (Loara, Savanna, and Western) that do not generate these funds. CDSIS-3-2-2002 (Recommended for APPROVAL)	ACTION
-----------	---	--------

ITEM W-19	Request by Colton Joint Unified School District to renew a waiver of Education Code Section 44671(c) to share the use of SB 1882 Staff Development funds with a comprehensive high school (Bloomington H.S.) that does not generate these funds. CDSIS-22-2-2002 (Recommended for APPROVAL)	ACTION
-----------	---	--------

Ms. Pinegar informed the Board that Items W-1, W-2, W-4, W-6 through W-13, and W-15 through W-19 were proposed consent waivers, as indicated on the waiver chart. [Attachment 14, Proposed Consent and Non-Consent Waivers.] She reported on the technical corrections to two waivers. W-2 has an incorrect CDSIS code; the correct code is CDSIS-20-2-2002. In W-4, the date of the district resolution was September 2000, not September 2001. Ms. Pinegar also noted that the waiver form used by districts under W-16 had been distributed to the Board. [Attachment 15, Template for Item W-16.]

- ACTION: Ms. Hammer moved that the State Board approve the proposed consent waivers: Items W-1, W-2, W-4, W-6 through W-12, and W-15 through W-19, including the conditions recommended under Items W-1 and W-2, and recognizing that Education Code section 33051(c) applies to the request in Item W-15. [The motion also recognized technical corrections presented by CDE staff regarding Items W-2 and W-4.] Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

NON-CONSENT WAIVERS
HIGH PRIORITY SCHOOLS GRANT PROGRAM (HPSGP)

ITEM W-3	Request by five districts to waive Education Code (EC) Section 52055.610(c)(1-3) in the High Priority Schools Grant Program (HPSGP) from March 14, 2002 through October 1, 2002 in order to delay the timelines for participating schools in the districts. (See list attached) (Recommended for APPROVAL)	ACTION
----------	--	--------

Ms. Pinegar informed the Board that this timeline waiver for the High Priority Schools Grant Program was the first such waiver to come before the Board and that approximately 500 schools would need such waivers. She noted that under Pomona USD, John Marshall Elementary should have been on the list, not Vejar Elementary.

President Hastings requested that in the future these waiver requests be put on the proposed consent list.

- ACTION: Ms. Hammer moved that the State Board approve the requests in Item W-3 in accordance with the recommendation of CDE staff. [The motion recognized the technical corrections as presented by CDE staff.] Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

INSTRUCTIONAL TIME PENALTY

ITEM W-5	Request by Fremont Unified School District to waive Education Code Section 46201(c), the full longer-day instructional time penalty for the 2001-2002 school year for Washington and Irvington High Schools. (CDSIS-49-1-2002) (Recommended for APPROVAL WITH CONDITIONS)	ACTION
----------	---	--------

This waiver item was withdrawn by the requesting district.

NONPUBLIC SCHOOL/AGENCY (Licensed Care Institution)

ITEM W-13	Request by Napa County Office of Education SELPA to waive Education Code (EC) Section 56366.1(i)(4), which states the certification becomes effective no earlier than July 1, if the school or agency provided the notification required. New Horizons Group Home, Inc. CDSIS-25-1-2001 (Recommended for DENIAL, not a certified nonpublic agency)	ACTION
-----------	--	--------

Ms. Goncalves asked for an explanation of the Department's recommendation to deny the waiver. Ms. Pinegar replied that the home is not certified and lacks a credentialed teacher.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

- ACTION: Ms. Hammer moved that the State Board deny the request in Item W-13 in accordance with the recommendation of CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

9th GRADE CLASS SIZE REDUCTION

ITEM W-14	Request by Tamalpais Union High School District for a renewal to waive portions of Education Code (EC) Sections 52084(a)(c) and 52086 (a) 9th Grade Class Size Reduction (Morgan-Hart) which funds only two courses in grade nine, and that student-teacher ratios in these classes average 20 with a maximum of 22 pupils in each participating class. CDSIS-10-3-2002 (Recommended for APPROVAL) E.C. 33051(c) will not apply	ACTION
-----------	---	--------

Ms. Pinegar informed that Board that two of the high schools did not have a valid API due to a high percentage of parental opt outs, but the district had presented other information regarding student academic achievement. She added that the district would not apply for a renewal of this waiver next year.

- ACTION: Mr. Nuñez moved that the State Board approve the request in Item W-14. Ms. Goncalves seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 32	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.	ACTION
---------	---	--------

Ms. Sterling stated that the Board is being asked to approve the staff recommendations for funding 17 charter schools at the 100 percent level and 10 at the 95 percent level. [Attachment 16, Memo on Determination of Funding Requests.]

Mr. Nuñez asked for information on the schools approved at 100 percent and at 95 percent when the funding determinations are completed for this cycle.

- ACTION: Ms. Tacheney moved that the State Board approve the recommendations of the Advisory Commission on Charter Schools and CDE staff (which are the same) regarding 27 determination of funding requests, of which 17 are approved at the 100 percent level and 10 are approved at the 95 percent level. As applicable, the motion incorporated approval of the reasons for reduction to the 95 percent level as recommended by the Advisory Commission and CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

ITEM 33	McKinney-Vento Education for Homeless Children & Youths.	INFORMATION ACTION
---------	--	--------------------

Leanne Wheeler, Title I Policy and Partners Office, informed the Board that California funds 24 local agencies under the McKinney-Vento Education Act and that the final plan will be on the May agenda for Board approval.

Ms. Hammer asked how the local agencies are selected. Ms. Wheeler responded that they are selected based on the quality of their applications and need.

No action was taken on this item.

ITEM 34	Title 5 Regulations on Administration of Medication in Public Schools.	INFORMATION ACTION
---------	--	--------------------

This item was withdrawn at the request of the Department.

ITEM 35	California's State Policies and Procedures for Special education – Application for FY2002 Part B Federal Funds.	INFORMATION
---------	---	-------------

Deputy Superintendent Paula Mishima reported that the plan was changed to satisfy federal concerns.

Mr. Nuñez inquired if in defining authorized health care providers there was any move to define them as the classroom teacher.

ITEM 36	Update on Adult Education Program Performance.	INFORMATION
---------	--	-------------

Mary Weaver, Education Support Services Division, noted that this item was intended to provide an overview of adult education to set the context for Item 37. Kathy Block-Brown, Adult Education Office, walked the Board through information regarding adult education services.

Ms. Goncalves asked how adults find out about adult ed programs. Ms. Block-Brown replied that most adults have children in the school that they attend. Also, adult education schools mail out brochures to their communities.

ITEM 37	Revision to the <i>California State Plan (1999-2004) for the Title II: Workforce Investment Act, Adult Education and Family Literacy Act</i> (revised January 10, 2002).	INFORMATION
---------	--	-------------

Ms. Weaver stated that the federal requirements for fourth- and fifth-year performance goals necessitate the proposed changes in the state plan. [Attachment 17, Substitute for Attachment IV.] Ms. Weaver drew the Board's attention to the chart of goals in the agenda materials. The chart reports the goals for years 1, 2, and 3 and the actual success for years 1 and 2. The chart also contains the proposed

FINAL MINUTES
State Board of Education
Thursday, April 25, 2002

performance measures for 2002-03 and 2003-04, which are years 4 and 5, and the rationale for the performance goals. Ms. Weaver added that the program's success or lack of success is reported to Congress.

Mr. Fisher asked if English immersion is used in the adult education classes. Ms. Weaver responded that classes are taught in English.

Adjournment of Meeting: President Hastings adjourned the meeting at 1:10 p.m.