

CA Dept of EDUCATION mobile

Agenda--February 5-6, 2003

California State Board of Education (SBE) meeting agenda.

FULL BOARD
Public Session

AGENDA

February 5-6, 2003

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

[Schedule of Meeting and Closed Session Agenda](#) (PDF; 28KB; 4pp.)

Wednesday, February 5, 2003 9:00 a.m. ± (Upon Adjournment of Closed Session, if held) STATE BOARD OF EDUCATION Public Session

- Call to Order
- Salute to the Flag
- Approval of Minutes (January 2003 Meetings)
- Announcements
- Communications
- REPORT OF THE SUPERINTENDENT (May be held over to the Thursday session)
- SPECIAL PRESENTATIONS

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

ITEM 1 (PDF; 110KB; 4pp.)	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; nomination of State Board officers; 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
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ITEM 2 (PDF; 74KB; 1p.)	PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
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ITEM 3 (PDF; 66KB; 1p.)	No Child Left Behind (NCLB) Act, Including, But Not Limited to, Update on NCLB and Reading First Implementation • Last Min. (PDF, 101KB; 1p.)	INFORMATION ACTION
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ITEM 4 (PDF; 119KB; 10pp.)	Old Mill Pond Territory Transfer Appeal: From Scotts Valley Unified School District in Santa Cruz County to Los Gatos-Saratoga Joint Union High School District and Loma Prieta Joint Union Elementary School District in Santa Clara County.	ACTION
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[ITEM 5](#) Single Parcel Hutchinson Road/E.Zayante Creek Territory Transfer Appeal: ACTION
(PDF; From Scotts Valley Unified School District in Santa Cruz County to Los Gatos-
157KB; Saratoga Joint Union High School District and Loma Prieta Joint Union
10pp.) Elementary School District in Santa Clara County.

[ITEM 6](#) Multiple Parcel Hutchinson Road/E.Zayante Creek Territory Transfer Appeal: ACTION
(PDF; From Scotts Valley Unified School District in Santa Cruz County to Los Gatos-
159KB; Saratoga Joint Union High School District and Loma Prieta Joint Union
10pp.) Elementary School District in Santa Clara County.

* * * PUBLIC HEARING * * *

Public Hearing on the following item will be held at or after 10:00 a.m. as the business of the State Board of Education permits.

[ITEM 7](#) Request by the Knowledge Is Power Program (KIPP) Summit Academy INFORMATION
(PDF; Petitioners to Approve a Petition to Become a Charter School Under the ACTION
87KB; Oversight of the State Board of Education. PUBLIC HEARING
2pp.)

- [Supplemental](#) (PDF; 37KB; 13pp.)

* * * END OF PUBLIC HEARING * * *

[ITEM 8](#) ACTION: Consider recommendations from the Superintendent's Advisory INFORMATION
(PDF; Committee for the Public Schools Accountability Act (PSAA) on additional ACTION
88KB; locally-adopted pre-post tests of achievement to serve as indicators in the
1p.) Alternative Schools Accountability Model (ASAM).
INFORMATION: Review Guidelines for the administration and reporting of
locally-adopted tests of achievement s indicators in the ASAM.

- [Supplemental](#) (PDF; 34KB; 6pp.)

[ITEM 9](#) Performance Levels for Non-test Indicators in the Alternative Schools INFORMATION
(PDF; Accountability Model (ASAM).
63KB; 1p.)

- [Supplemental](#) (PDF; 18KB; 4pp.)

[ITEM 10](#) Report of the Curriculum Development and Supplemental Materials INFORMATION
(PDF; Commission. ACTION
63KB; 1p.)

- [Supplemental](#) (PDF; 53KB; 8pp.)

[ITEM 11](#) Instructional Materials Advisory Panel (IMAP) and Language Expert (LE) INFORMATION
(PDF; applications for the 2003 K-8 Foreign Language Adoption of Instructional ACTION
86KB; Materials - Second Cohort.
1p.)

- [Supplemental](#) (PDF; 37KB; 11pp.)

[ITEM 12](#) Approval of Local Educational Agencies (LEAs) and Consortia applications for ACTION
(PDF; Funding under the Principal raining Program (AB 75).

124KB;
1p.)

[ITEM 13](#) Approval of Training Providers for The Principal Training Program (AB 75). ACTION
(PDF)

- [Supplemental](#) (PDF; 17KB; 7pp.)
- [Last Min.](#) (PDF; 82KB; 2pp.)

[ITEM 14](#) Implementation of the AB 466 Mathematics and Reading Professional INFORMATION
(PDF; Development Program (Chapter 737, Statutes of 2001): Including, but not ACTION
77KB; Limited to Approval of Training Providers and Training Curricula.
1p.)

- [Last Min.](#) (PDF; 50KB; 1p.)

[ITEM 15](#) California English Language Development Test (CELDT): Including, but not INFORMATION
(PDF; Limited to, CELDT Program Update. ACTION
60KB;
1p.)

[ITEM 16](#) California High School Exit Examination (CAHSEE): Including, but not Limited INFORMATION
(PDF; to CAHSEE Program Update. ACTION
60KB;
1p.)

* * * PUBLIC HEARING * * *

Public Hearing on the following item will be held at or after 2:00 p.m. as the business of the State Board of Education permits.

[ITEM 17](#) Standardized Testing and Reporting (STAR) Program: Including, but not INFORMATION
(PDF; Limited to, Adoption of Performance Standards (Levels) for the California ACTION
299KB; Integrated Science Standards Tests. PUBLIC HEARING
5pp.)

- [Last Min.](#) (PDF; 86KB; 2pp.)

END OF PUBLIC HEARING

[ITEM 18](#) California K-12 Education Technology Master Plan. INFORMATION
(PDF; ACTION
393KB;
5pp.)

ADJOURNMENT OF DAY'S SESSION

Thursday, February 6, 2003 - 8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

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

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

SPECIAL PRESENTATIONS

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

ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

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

[ITEM 19](#) Assignment of Numbers for Charter Schools. ACTION
(PDF; 116KB; 2pp.)

[ITEM 20](#) Request to Fund the Recommended List of Public Charter Schools Grant Program Award Recipients. ACTION
(PDF; 74KB; 2pp.)

[ITEM 21](#) High Priority Schools Grant Program Implementation Grant Awards. ACTION
(PDF; 87KB; 3pp.)

- [Supplemental](#) (PDF; 5KB; 1p.)

[ITEM 22](#) Approval of 2002-2003 Consolidated Applications ACTION
(PDF; 87KB; 1p.)

[ITEM 23](#) Revision to the *California State Plan (1999-2004) for the Workforce Investment Act. Title II: Adult Education and Family Literacy Act* (revised May 30, 2002) ACTION
(PDF; 199KB; 10pp.)

[ITEM 24](#) Appointments to Curriculum Development and Supplemental Materials Commission and Child Nutrition Advisory Council. INFORMATION ACTION
(PDF; 76KB; 1p.)

- [Last Min.](#) (PDF; 86KB; 1p.)

[ITEM 25](#) 2002-03 (and beyond) Determination of Funding Requests from Charter Schools Pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2. ACTION
(PDF; 84KB; 1p.)

- [Supplemental](#) (PDF; 21KB; 2pp.)

[ITEM 26](#) Legislative Update: Including, but not Limited to, Information on Committee Appointments and Legislation INFORMATION ACTION
(PDF; 62KB; 1p.)

- [Last Min.](#) (PDF; 201KB; 9pp.)

WAIVER REQUESTS

CONSENT MATTERS

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

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT

[ITEM WC - 1](#)

(PDF;
80KB;
2pp.)

Request by Humboldt County Office of Education for a Waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332).
CDSIS-8-12-2002
(Recommended for APPROVAL)

ACTION

CHARTER SCHOOL ATTENDANCE

[ITEM WC-2](#)

(PDF;
98KB;
2pp.)

Request by the Center Joint Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance for the Antelope View Charter School.
CDSIS-5-12-2002
(Recommended for APPROVAL WITH CONDITIONS)
Education Code Section 33051(c) will apply.

ACTION

HIGH SCHOOL EXIT EXAMINATION (special education students)

[ITEM WC-3](#)

(PDF;
98KB;
2pp.)

Request by Hemet Unified School District to waive *Education Code* Section 60851 (a), "the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school" for one special education student #105.
CDSIS-2-12-2002
(Recommended for APPROVAL).

ACTION

[ITEM WC-4](#)

(PDF;
99KB;
2pp.)

Request by Fallbrook Union High School District to waive *Education Code* Section 60851 (a), "the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school" for four special education students #106, #107, #108, and #110.
CDSIS-9-12-2002
(Recommended for APPROVAL)

ACTION

RESOURCE SPECIALIST

[ITEM WC - 5](#)

(PDF;
100KB;
2pp.)

Request by Oak Grove 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 four students.
Resource Specialist: Brenda Rypstra-Loman assigned at Stipe Elementary School.
CDSIS-20-11-2002

ACTION

(Recommended for APPROVAL)

[ITEM WC-6](#)

ACTION

(PDF;
86KB;
2pp.)

Request by Reef-Sunset 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. Resource Specialist: David Witherow assigned at Reef-Sunset Middle School.
CDSIS-6-12-2002
(Recommended for APPROVAL)

MILLER-UNRUH READING SPECIALIST

[ITEM WC - 7](#)

ACTION

(PDF;
100KB;
1p.)

Request by Livermore Valley Joint Unified School District to waive *Education Code* Section 52859(b). This request is related to the prohibition of using funds coordinated under the School-Based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist.
CDSIS-15-12-2002
(Recommended for APPROVAL)

INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

[ITEM WC-8](#)

ACTION

(PDF;
111KB;
3pp.)

Request by one county office of education and three school districts for a retroactive waiver of *Education Code* (EC) Section 60019 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing.

CDSIS#

06-01-2003 Bangor Union Elementary School District
19-12-2002 Butte County Office of Education
22-12-2002 Lake Tahoe Unified School District
18-12-2002 Rincon Valley Union School District
14-12-2002 San Carlos School District

NON-CONSENT (ACTION)

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

FEDERAL SUPPLEMENTAL SERVICES

[ITEM W-1](#)

ACTION

(PDF)

Request by districts for a waiver of NCLB, Title I, Part A, Section 1116(e), the requirement to provide "supplemental services" to eligible students.
CDSIS# -- To be determined
(Recommended for)

- [Last Min.](#) (PDF; 68KB; 1p.)

ACADEMIC PERFORMANCE INDEX (adult testing irregularities)

[ITEM W-2](#) Alhambra School District (ASD) Academic Performance Index (API Waiver). ACTION
(PDF; Specifically, the ASD requests a waiver of Title 5 CCR Section 1032(d)(1)
90KB; and (3) to allow Mark Keppel High School to be included in the API for the
2pp.) current year (2002) or at least in the subsequent year (2003). The district
had "adult testing irregularities."
CDSIS-39-7-2002
(Recommended for DENIAL per *Education Code* Section 33051(a) (1), the
educational needs of the pupils are not adequately addressed.

BUDGET RESERVES

[ITEM W-3](#) Request by San Diego Unified School District of portions of *Education* ACTION
(PDF; *Code* Section 33128(b) and Title 5 Regulation Section 15443 to lower its
103KB; recommended level of budget reserves from two percent to one percent.
2pp.) CDSIS-4-11-2002
(Recommended for APPROVAL WITH CONDITION)

CLASS SIZE REDUCTION (Option 1 funding)

[ITEM W-4](#) Los Angeles Unified School District requests a waiver renewal of *Education* ACTION
(PDF; *Code* Section 52122 (b)(2)(A) and 52123 (c) for allowing 95 school sites
122KB; with 200 or more students per acre to receive Option 1 Class Size
3pp.) Reduction funding. This is the fifth and final renewal for 73 schools and the
fourth renewal for 22 schools.
CDSIS-10-12-2002
(Recommended for APPROVAL)

COMMUNITY DAY

[ITEM W-5](#) Request by Fort Sage Unified School District for a waiver of *Education* ACTION
(PDF; *Code* Section 48916.1(d) and language in Section 48660 that limits the
100KB; span of grades in which students must be separately served in a
2pp.) community day school operated by a unified school district to K-6 and 7-
12.
CDSIS-8-1-2003
(Recommended for APPROVAL WITH CONDITIONS)
Education Code Section 33051(c) will apply

EQUITY LENGTH OF TIME

[ITEM W - 6](#) Request by Napa Valley Unified School District to waive *Education Code* ACTION
(PDF; (*EC*) Section 37202, equity length of time requirement for kindergarten
83KB; students to allow full day kindergarten programs at eleven elementary
2pp.) schools out of the twenty-one elementary schools in the district.
CDSIS-12-12-2002
(Recommended for APPROVAL WITH CONDITIONS)

NON PUBLIC SCHOOL/AGENCY (child specific)

[ITEM W - 7](#) Request by Cypress School District to waive *Education Code* (EC) Section 56366.1(a), certification requirements, for an uncertified nonpublic agency, Joanna Lofink, Speech & Language Pathologist to provide services to one special education student, Samuel T.
(PDF; 103KB; 1p.)
CDSIS-40-7-2002
(Recommended for APPROVAL) ACTION

INSTRUCTIONAL MATERIALS FUND PETITION REQUEST

[ITEM W-8](#) Petition request under *Education Code* Section 60421(d) and 60200(g) by North Sacramento School District to purchase nonadopted Instructional Resources (Houghton Mifflin Mathematics, Grade 6) using Instructional Materials Funding Realignment Program (IMFRP) monies.
(PDF; 113KB; 2pp.)
CDSIS-14-11-2002
(Recommended for APPROVAL WITH CONDITIONS) ACTION

[ITEM W-9](#) Petition request under *Education Code* Section 60421(d) and 60200(g) by Poway Unified School District to purchase Instructional Resources (Everyday Mathematics, Grades K-3, c. 2001, and Grades 4 - 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.
(PDF; 102KB; 3pp.)
CDSIS-23-12-2002
(Recommended for APPROVAL WITH CONDITIONS) ACTION

[ITEM W-10](#) Petition request under *Education Code* Section 60421(d) and 60200(g) by Glendale Unified School District to purchase Instructional Resources (Everyday Mathematics, Grades K-3, c. 2001, and Grades 4 - 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.
(PDF; 103KB; 3pp.)
CDSIS-17-11-2002
(Recommended for APPROVAL WITH CONDITIONS) ACTION

[ITEM W - 11](#) Petition request under *Education Code* Section 60421(d) and 60200(g) by Lake Tahoe Unified School District to purchase Instructional Resources (Everyday Mathematics, Grades K-3, c. 2001; and Grades 4 - 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.
(PDF; 110KB; 3pp.)
CDSIS-12-11-2002
(Recommended for APPROVAL WITH CONDITIONS) ACTION

SPECIAL ELECTION/PROVISIONAL APPOINTMENT

[ITEM W - 12](#) Request by Compton Unified School District to waive *Education Code* Section 5091(a), the provisional appointment or special election requirement within 60 days of a school board vacancy, in order to postpone the election to fill a vacant school board position until November
(PDF; 94KB; 2pp.) ACTION

of 2003.
CDSIS-14-1-2002
(Recommended for APPROVAL)

END OF WAIVER REQUESTS

* * * PUBLIC HEARING * * *

Public Hearing on the following item will be held at or after 11:00 a.m. as the business of the State Board of Education permits.

ITEM 27 (PDF; 167KB; 5pp.)	Title 5 Regulations on Administration of Medication to Pupils at Public Schools. <ul style="list-style-type: none">• Last Min. (PDF; 160KB; 16pp.)	PUBLIC HEARING ACTION
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ITEM 28 (PDF; 167KB; 5pp.)	Career Technical Education (CTE) Standards and Framework.	PUBLIC HEARING ACTION
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END OF PUBLIC HEARING

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

Questions: State Board of Education | 916-319-0693

Last Modified: Tuesday, June 28, 2011

California Department of Education
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CALIFORNIA STATE BOARD OF EDUCATION

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Hon. Jack O'Connell

Executive Director
Richard W. Brandsma

AGENDA

February 5-6, 2003

SCHEDULE OF MEETINGS

LOCATION

Wednesday, February 5, 2003

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

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

CLOSED SESSION AGENDA

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

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al., v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Association of Private Special Education Schools, et al., v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al., v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Campbell Union High School District, et al., v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al., v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board**

California State Board of Education

AGENDAFebruary 5-6, 2003

- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954
- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al. v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeill v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

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

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

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board.**

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

Wednesday, February 5, 2003

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

California Department of Education

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

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

Thursday, February 6, 2003

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

California Department of Education

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

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

Thursday, February 6, 2003

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)
STATE BOARD OF EDUCATION
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1430 N Street, Room 1101
Sacramento, CA 95814
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Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

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ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA 95814; P.O. Box 944272, Sacramento, CA 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker's list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education's website: www.cde.ca.gov/board**



FEBRUARY 2003 AGENDA

<p>SUBJECT: STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.</p>	<p><input checked="" type="checkbox"/> INFORMATION <input checked="" type="checkbox"/> ACTION <input type="checkbox"/> PUBLIC HEARING</p>
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RECOMMENDATION:

Consider and take action (as necessary and appropriate) regarding State Board Projects and Priorities, including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest..

Summary of Previous State Board of Education Discussion and Action.

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

Summary of Key Issue(s).

N/A

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

2003 Agenda Planner.
State Board Bylaws (as amended April 11, 2001).

AGENDA PLANNER 2003

FEBRUARY 5-6, 2003 MEETING.....SACRAMENTO

Other Activities of Interest to the State Board:

- NCLB Liaison Team, Sacramento, February 4
- Advisory Commission on Charter Schools, Sacramento, February 19
- Advisory Commission on Special Education, Sacramento, February 26-28

MARCH 12-13, 2003.....SACRAMENTO

Board Meeting

- STAR, information on technical issues related to NCLB
- GSE, update on GSE plan
- CAHSEE, performance level setting for AYP
- CELDT, public hearing on regulations

Other Activities of Interest to the State Board:

- NCLB Liaison Team, Sacramento, March 4
- Advisory Commission on Charter Schools, Sacramento, March 19
- Curriculum Development and Supplemental Materials Commission, Sacramento, March 20-21
- Advisory Commission on Special Education, Sacramento, March 26-28

APRIL 9-10, 2003.....SACRAMENTO

Board Meeting

- STAR, item release plan
- CAHSEE, preliminary discussion on STAR performance as a supplement to CAHSEE
- CELDT, action on measurable achievement objectives
- NCLB, action on state plan, including the definition of highly qualified teachers

Other Activities of Interest to the State Board:

- NCLB Liaison Team, Sacramento, April 3
- Advisory Commission on Charter Schools, Sacramento, April 11
- Advisory Commission on Special Education, Sacramento, April 23-25

MAY 7-8, 2003.....SACRAMENTO

Board Meeting

- STAR, draft proposed revisions to parent report format
- CAHSEE, independent evaluation report

Other Activities of Interest to the State Board:

- NCLB Liaison Team, Sacramento, May 5
- Curriculum Development and Supplemental Materials Commission, Sacramento, May 15-16
- Advisory Commission on Charter Schools, Sacramento, May 22
- Advisory Commission on Special Education, Sacramento, May 21-23

AGENDA PLANNER 2003

JUNE 11-12, 2003.....SACRAMENTO

Board Meeting

- STAR, proposed revisions to parent report format
- CAHSEE, update/action as necessary
- No Child Left Behind Act, provide new list of approved supplemental educational service providers

Other Activities of Interest to the State Board:

- Advisory Commission on Charter Schools, Sacramento, June 18

JULY 9-10, 2003.....SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, update/action as necessary, including decision on deferring passage of the exam as a requirement of graduation per AB 1609.

AUGUST 2003..... NO MEETING SCHEDULED

SEPTEMBER 10-11, 2003.....SACRAMENTO

Board Meeting

- STAR, analysis of 2003 STAR and CAHSEE data and relationship between student performance on both tests
- CAHSEE, presentation of state-by-state review of current practices in high school exit exams

Other Activities of Interest to the State Board:

- Curriculum Development and Supplemental Materials Commission, Sacramento, September 17-19

OCTOBER 8-9, 2003SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, feasibility and cost/benefits of using STAR performance as a supplement to CAHSEE

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

Board Meeting

- STAR, update/action as necessary
- CAHSEE, discussion of using STAR performance as a supplement to CAHSEE
- Student Advisory Board on Education, presentation of recommendations
- Interviews of candidates for 2003-04 Student Member of the State Board

Other Activities of Interest to the State Board:

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

AGENDA PLANNER 2003

DECEMBER 10-11, 2003SACRAMENTO

Board Meeting

- STAR, update/action as necessary
- CAHSEE, additional discussion of policy issues related to using STAR performance as a supplement to CAHSEE
- Nomination of State Board Officers



FEBRUARY 2003 AGENDA

SUBJECT: 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.	<input type="checkbox"/>	ACTION
	<input checked="" type="checkbox"/>	INFORMATION
	<input type="checkbox"/>	PUBLIC HEARING

RECOMMENDATION:

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

Summary of Previous State Board of Education Discussion and Action.

N/A.

Summary of Key Issue(s).

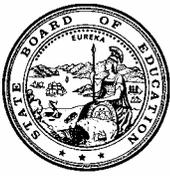
N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information Attached to this Agenda Item.

None.

**CALIFORNIA STATE BOARD OF EDUCATION****FEBRUARY 2003 AGENDA**

SUBJECT	X	ACTION
No Child Left Behind (NCLB) Act, Including, But Not Limited to, Update on NCLB and Reading First Implementation	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Receive monthly updates on the progress of NCLB and Reading First Implementation and take action as required.

Summary of Previous State Board of Education Discussion and Action

In June 2002, the State Board of Education approved and submitted California's Consolidated State Application under NCLB. This application was subsequently approved by the U.S. Department of Education on July 1, 2002.

Summary of Key Issue(s)

California's approved Consolidated State Application and the NCLB Act require that many activities and decisions be accomplished over the next eight months. This standing item will allow CDE and SBE staff to brief the Board on timely topics such as new federal regulations and Guidance, the status of data collection as required by NCLB, and implementation efforts, such as the provision of supplemental services and the distribution of annual state and local report cards.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

In order to provide the most up-to-date information, this item will consist primarily of oral presentation and handouts at the meeting.

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: February 5, 2003

From: Geno Flores, Deputy Superintendent, Accountability Branch

Re: ITEM #3

Subject NO CHILD LEFT BEHIND (NCLB) ACT INCLUDING, BUT NOT LIMITED
: TO, UPDATE ON NCLB AND READING FIRST IMPLEMENTATION

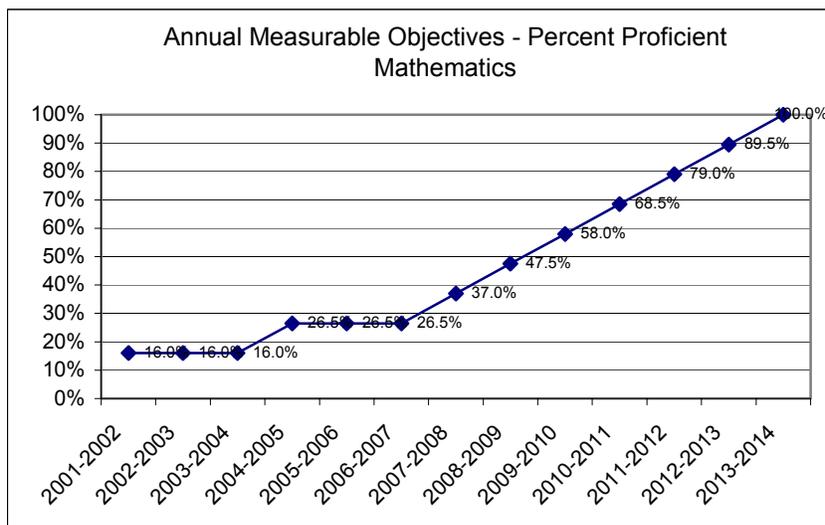
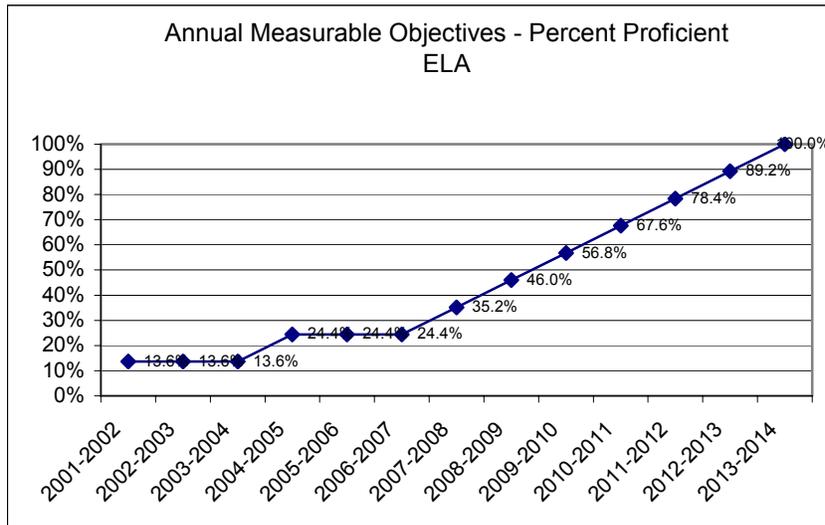
The following are provisions in the “State of California Consolidated State Application Accountability Workbook” that amplify or go beyond the issues decided by the SBE on January 8, 2003. Approval on the following two issues is needed to be consistent with the Workbook:

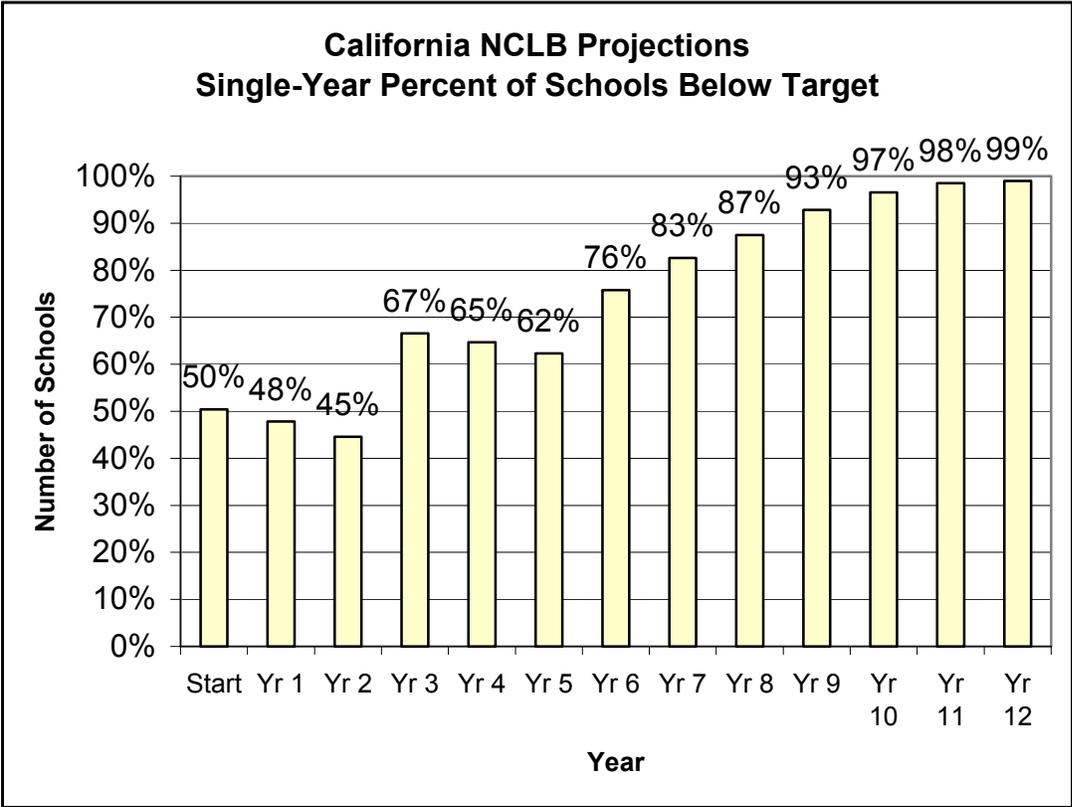
1. The API as an additional academic indicator for AYP and progress on the API as defined as a gain of 1 point (critical elements 1.1 and 7.2).
2. Intermediate goal structure for AYP (critical elements 3.2b and 3.2c).

Please insert the following attachment to Item #3:

Attachment 1: Annual Measurable Objectives – Percent Proficient Mathematics, ELA, and California NCLB Projections (Page 1-2)

Policy and Evaluation Division





**FEBRUARY 2003 AGENDA**

SUBJECT	X	ACTION
Old Mill Pond Territory Transfer Appeal: From Scotts Valley Unified School District in Santa Cruz County to Los Gatos-Saratoga Joint Union High School District and Loma Prieta Joint Union Elementary School District in Santa Clara County.		INFORMATION
		PUBLIC HEARING

Recommendation:

Based solely on the administrative record: (1) reverse the decision of the Santa Clara County Committee on School District Organization (SDO); (2) approve the territory transfer appeal; and (3) establish the area of election as that of the petition area by adopting the proposed resolution. (Attachment 2)

Summary of Previous State Board of Education Discussion and Action

This is a new appeal before the State Board of Education (SBE).

Summary of Key Issue(s)

This is an appeal by the chief petitioners under *Education Code* Section 35710.5 of the Santa Clara County Committee on SDO's action to deny a petition to transfer a property at 885 Old Mill Pond Road in Santa Cruz County. The petition proposed the transfer of territory from the Scotts Valley Unified School District (USD) in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District (HSD) and the Loma Prieta Joint Union Elementary School District (ESD) in Santa Clara County. The Scotts Valley USD and Loma Prieta Joint Union ESD support the transfer, while the Los Gatos-Saratoga Joint Union HSD opposes the transfer.

The Santa Cruz County Committee on SDO concluded that the petition substantially complied with the nine criteria of *Education Code* Section 35753(a) and unanimously approved the transfer of territory. The Santa Clara County Committee on SDO also concluded that the petition substantially complied with the nine criteria *Education Code* Section 35753(a). However, the Santa Clara County Committee on SDO on a six to four vote turned down the transfer. The committee members voting "yes" found compelling reasons for doing so, including a perception of greater difficulty traveling to Scotts Valley USD schools, the availability of bus transportation to Los Gatos-Saratoga High School, and the isolation of families who would be better served in the Los Gatos and Loma Prieta districts. The members voting "no" found no compelling reasons for the transfer and no reasons compelling enough to override opposition of the Los Gatos-Saratoga Joint Union HSD.

The chief petitioners are appealing the Santa Clara County Committee on SDO's action, asserting that all nine criteria of *Education Code* Section 35753(a) are substantially met, and that compelling need exists for the proposed transfer based on the Santa Clara County Committee on SDO's definition of compelling need.

Summary of Key Issue(s)

California Department of Education (CDE) staff concurs with both County Committees' conclusion that the nine criteria of *Education Code* Section 35753(a) have been substantially met. However, CDE staff disagrees with the "no" votes of the Santa Clara County Committee members regarding a compelling reason for the transfer. Accordingly, CDE staff recommends the SBE, following a review based solely on the administrative record, reverse the action of the Santa Clara County Committee on SDO by granting the appeal and approving the transfer of territory.

Fiscal Analysis (as appropriate)

There are no significant fiscal effects to be considered.

Attachment(s)

[Attachment 1](#): Old Mill Pond Road Territory Transfer Appeal Analysis of Statement of Reasons and Factual Evidence (Pages 1-6)

[Attachment 2](#): Proposed Resolution (Page 1 of 1)

Attachment 3: Appeal From Chief Petitioners of Santa Clara County Committee on School District Organization Action (Pages 1-9)

Attachment 4: Santa Clara County Committee on School District Organization Geographic Isolation Criteria (Page 1 of 1)

[Attachment 5](#): Alternative Proposed Resolution (Page 1 of 1)

**OLD MILL POND ROAD TERRITORY TRANSFER
APPEAL ANALYSIS OF STATEMENT OF
REASONS AND FACTUAL EVIDENCE**

RECOMMENDATION

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) reverse the action of the Santa Clara County Committee on School District Organization (SDO) in disapproving the proposed transfer and support the action of the Santa Cruz County Committee on SDO in approving the proposed transfer of territory by granting the appeal and adopting the proposed resolution in Attachment 2.

BACKGROUND

The chief petitioners (hereinafter appellants) have appealed the Santa Clara County Committee on SDO's disapproval of a petition to transfer the property at 885 Old Mill Pond Road in Santa Cruz County from the Scotts Valley Unified School District (USD) in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District (HSD) and the Loma Prieta Joint Union Elementary School District (ESD) in Santa Clara County. The area proposed for transfer includes one parcel of about 19 acres of land. The parcel is located on a portion of the north and northeastern boundaries of the Scotts Valley USD in Santa Cruz County, at a point where the boundary line overlaps a portion of the southwestern boundaries of the Loma Prieta Joint Union ESD and the Los Gatos-Saratoga Joint Union HSD, which are under the jurisdiction of the Santa Clara County Superintendent of Schools. Currently, no school-aged children reside at the above address.

The Santa Cruz County Committee on SDO concluded that this petition substantially complies with the nine criteria of *Education Code* Section 35753(a) and unanimously approved the transfer of territory. The Santa Clara County Committee on SDO also concluded that this petition substantially complies with the nine criteria of *Education Code* Section 35753(a). However, after taking into consideration all facts, the Santa Clara County Committee on SDO's motion to approve this territory transfer resulted in a vote of four members supporting the petition and six members not supporting the petition. Thus, it rejected this petition. The Santa Clara County Committee on SDO did not consider the reasons for the transfer compelling.

POSITIONS OF AFFECTED DISTRICTS

The district in which the property is currently located, the Scotts Valley USD, and one of the two districts that would have received the property, the Loma Prieta Union ESD, both unanimously consented to the proposed transfer. However, the Los Gatos-Saratoga Joint Union HSD opposed the transfer.

APPEAL

Education Code Section 35710.5 limits appeals of denials of territory transfers to issues of noncompliance with the provisions of sections 35705, 35706, 35709, 35710 and, by references in sections 35709 and 35710, to the nine criteria prescribed in Section 35753(a) for proposals to reorganize school districts. If the nine criteria in Section 35753(a) are substantially met, county committees on school district organization may, but are not required to, approve the reorganization proposal.

The appellants in this case state that the original territory transfer petition met all nine criteria listed in *Education Code* Section 35753(a), that access to Scotts Valley schools requires them to drive on Highway 17, which is an extreme safety concern, and that they are part of the Los Gatos community (Attachment 3).

STAFF ANALYSIS

In evaluating the appellants' arguments, CDE staff reviewed the full administrative record as provided by the Santa Clara County Office of Education (COE).

The appellants are appealing because both the Santa Clara and Santa Cruz Committees on SDO found that the territory transfer petition met all nine conditions listed in *Education Code* Section 35753(a). The appellants also believe that the reasons for the transfer are compelling.

The Santa Clara County Committee on SDO's definition of "compelling need" includes, but is not limited to, geographic isolation, which requires either more than 20 minutes travel time to the nearest school or travel on roads or in traffic that places a student in significantly greater danger during the commute between his home and the closest schools within the current district of residence than during the commute between his home and the closest school in the desired district of residence (Attachment 4).

The feasibility study prepared by the Santa Clara COE on this proposed transfer of territory states that for elementary and middle school students, travel distance and time to Loma Prieta Joint Union ESD are shorter than the travel distance and time to Scotts Valley USD schools. For high school students, the travel distance to either Los Gatos or Scotts Valley high school is approximately the same, and students must travel on Highway 17 if attending either school (unless an alternate route is taken). Due to heavy commute traffic northbound on Highway 17, the travel may be longer to Los Gatos High School than to Scotts Valley High School during the morning commute. In addition, there is a greater concern over student safety because of the heavy commute traffic.

Using the most generally accepted routes to and from the petition area, the distances and travel times to the various schools were measured by both the Santa Cruz and Santa Clara COEs as shown below:

Schools	Distance (Miles)	Time (Minutes)
<u>Elementary Schools</u>		
Loma Prieta (Loma Prieta Joint Union ESD)	4.5	11
Vine Hill (Scotts Valley USD)	11.9	22
<u>Middle Schools</u>		
C.T. English (Loma Prieta Joint Union ESD)	4.5	11
Scotts Valley Jr. High (Scotts Valley USD)	13.9	25
<u>High Schools</u>		
Los Gatos (Los Gatos- Saratoga Joint Union HSD)	9.6	20
Scotts Valley (Scotts Valley USD)	10.5	21

Travel time is subject to change due to changing conditions on Highway 17. The time of day that parents usually take students to and from school coincide with the heavy traffic times caused by the Santa Cruz-San Jose area commuters.

In addition, the residents of Old Mill Pond Road consider themselves part of the Los Gatos community. The appellants indicate that all other public school children who live on their road are already in the Loma Prieta and Los Gatos Saratoga school districts. The appellants have a Los Gatos address, a Los Gatos phone number, and Los Gatos postal delivery.

STATE BOARD OPTIONS

Upon receipt of an appeal the SBE may, pursuant to *Education Code* Section 35710.5(c):

1. Summarily deny review of the appeal, thus ratifying the Santa Clara County Committee on SDO's decision. (Attachment 5 - Alternative Resolution)
2. Review the appeal for noncompliance by the county committee, in this case the Santa Clara County Committee on SDO, with the provisions of the specified *Education Code* sections, either solely on the administrative record or in conjunction with a public hearing.

If the SBE elects to review the appeal, the SBE, following the review, will:

- (a) affirm or reverse the action of the county committee; and

- (b) if the petitions will be sent to election, determine the area of election (discussed later in this report under *Area of Election Legal Principles and Recommendations*)
3. Reverse or modify the action of the Santa Clara County Committee on SDO in any manner consistent with law.

AREA OF ELECTION LEGAL PRINCIPLES

The Local Agency Formation Commission¹ (*LAFCO*) court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. The court in *LAFCO* held that in the absence of racial issues or a declared public interest underlying the determination that has a real and appreciable impact on the equality, fairness, and integrity of the electoral process, the rational basis test should be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization. In applying the rational basis test, a determination must be made as to whether:

1. There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible; and
2. There is a legitimate public purpose to which a reduced voting area has a fair relationship:
 - (a) The fair relationship to a legitimate public purpose is found in *Government Code* Section 56001, which expresses the legislative intent "to encourage orderly growth and development," such as promoting orderly school district reorganization statewide under the concept of master planning.
 - (b) Preserving the concept of master planning allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration. This concept includes both:
 - (1) Avoiding the risk that residents of the area to be transferred, annexed, or unified might be unable to obtain the benefits of the proposed reorganization if it is unattractive to the residents of the remaining district; and
 - (2) Avoiding islands of unwanted, remote, or poorly served school communities within large districts.

¹*Board of Supervisors of Sacramento County, Et Al., v. Local Agency Formation Commission* (3 Cal. 4th 903, 19 92)

RECOMMENDATIONS

Appeal Recommendation

CDE staff recommends that the SBE reverse the action of the Santa Clara County Committee on SDO by supporting the action of the Santa Cruz County Committee on SDO and adopt the proposed resolution in Attachment 2.

Following are the reasons for granting the appeal:

1. All nine criteria listed in *Education Code* Section 35753(a) are met.
2. It is a safer commute to the elementary school and middle school in Santa Clara County since this would avoid the necessity of traveling on Highway 17 to attend the elementary and middle schools in Santa Cruz County. In addition, the commute time to the elementary and middle schools in Santa Clara County would be much shorter than the commute time to the Santa Cruz County schools.
3. Strong community identity exists between the transfer area and the Los Gatos community in Santa Clara County.
4. There is bus transportation available to the Santa Clara County schools (Loma Prieta ESD operates school buses and County Public Transit is available to the high school), while none is available to the Santa Cruz County schools.

If the SBE affirms the Santa Clara County Committee on SDO's decision, action denying the transfer stands. Attachment 5 provides an alternative resolution for the SBE if it chooses this course. However, if the SBE reverses the action of the Santa Clara County Committee on SDO, as recommended, and approves the transfer of territory, the SBE must also determine the area of election.

Area of Election Recommendation

Residents of Old Mill Pond Road have genuinely different relevant interests from the remaining residents of the Scotts Valley USD. The majority of Old Mill Pond Road residents wish to transfer to the Los Gatos-Saratoga Joint Union HSD and Loma Prieta Joint Union ESD, while the remaining voters in the Scotts Valley USD would likely be indifferent to the proposal. The quality of education provided to children attending the Scotts Valley USD will not be negatively impacted by the transfer since no students from the area currently attend the district. Finally, the petition does not promote segregation or discrimination. Thus, exclusion of the Scotts Valley USD from the vote meets the LAFCO court decision's rational basis test.

Based on the CDE staff analysis, the impact of the petitions on the receiving districts would be insignificant. The property to be transferred is one lot and will never add a significant number of

students to the district population, and the Loma Prieta Joint Union ESD has already established transportation for students to and from the area. It is our opinion that voters in the Los Gatos-Saratoga Joint Union HSD and the Loma Prieta Joint Union ESD would find the transfer to have a minimal effect. Thus, exclusion of the districts from the vote would also meet the LAFCO court decision's rational basis test.

Therefore, if the SBE reverses the action of the Santa Clara County Committee on SDO and approves the territory transfer, CDE staff recommends the SBE establish the petition area as the area of election.

CALIFORNIA STATE BOARD OF EDUCATION
February 2003

PROPOSED RESOLUTION

Appeal by the Chief Petitioners regarding the Santa Clara County Committee on School District Organization's Disapproval of a Transfer of Territory Known as the "Old Mill Pond" Area from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal, filed on or about October 5, 2001, by chief petitioners of an action of the Santa Clara County Committee on School District Organization disapproving a transfer of territory from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County is hereby granted; and be it

RESOLVED further, that the Santa Clara County Superintendent of Schools and the Santa Clara County Committee on School District Organization be informed that, under Section 35710.5 of the *Education Code*, the County Committee's action to deny such petition is reversed by the State Board of Education; and be it

RESOLVED further, that the State Board of Education has determined the area of election to be that of the petition area; and be it

RESOLVED further, that the Santa Cruz County Superintendent of Schools call an election on the transfer of territory within the boundaries of the petition area, to be conducted at the next regular election; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Santa Clara County Committee on School District Organization, the Santa Cruz County Committee on School District Organization, the chief petitioners, and the affected school districts of the action taken by the State Board of Education.

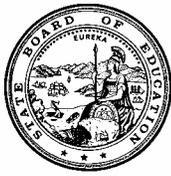
CALIFORNIA STATE BOARD OF EDUCATION
February 2003

ALTERNATIVE PROPOSED RESOLUTION

Appeal by the Chief Petitioners regarding the Santa Clara County Committee on School District Organization's Disapproval of a Transfer of Territory Known as the "Old Mill Pond" Area from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal, filed on or about October 5, 2001, by chief petitioners of an action of the Santa Clara County Committee on School District Organization disapproving a transfer of territory from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County is hereby denied; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Santa Clara County Committee on School District Organization, the Santa Cruz County Committee on School District Organization, the chief petitioners, and the affected school districts of the action taken by the State Board of Education.



**CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA**

ITEM # 5

SUBJECT Single Parcel Hutchinson Road/E. Zayante Creek Territory Transfer Appeal: From Scotts Valley Unified School District in Santa Cruz County to Los Gatos-Saratoga Joint Union High School District and Loma Prieta Joint Union Elementary School District in Santa Clara County.	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

Based solely on the administrative record: (1) reverse the decision of the Santa Clara County Committee on School District Organization (SDO); (2) approve the territory transfer appeal; and (3) establish the area of election as that of the petition area by adopting the proposed resolution. (Attachment 2)

Summary of Previous State Board of Education Discussion and Action

This is a new appeal before the State Board of Education (SBE).

Summary of Key Issue(s)

This is an appeal by the chief petitioners under *Education Code* Section 35710.5 of the Santa Clara County Committee on SDO’s action to deny a petition to transfer a single parcel of land on Hutchinson Road/E. Zayante Creek in Santa Cruz County. The petition proposed the transfer of territory from the Scotts Valley Unified School District (USD) in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District (HSD) and the Loma Prieta Joint Union Elementary School District (ESD) in Santa Clara County. The Scotts Valley USD and the Loma Prieta Joint Union ESD support the transfer, while the Los Gatos-Saratoga Joint Union HSD opposes the transfer.

The Santa Cruz County Committee on SDO concluded that the petition substantially complied with the nine criteria of *Education Code* Section 35753(a) and unanimously approved the transfer of territory. The Santa Clara County Committee on SDO concluded that this petition substantially complied with the nine criteria of *Education Code* Section 35753(a) with the exception of *Education Code* Section 35753(a)(8), which states, “The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to another.” The vote to approve this criterion failed on a four to four vote with two members absent. The Santa Clara County Committee on SDO agreed with the Santa Clara County Office of Education study team’s statement, “The study team does not find the petitioners rationale to be compelling.” The Santa Clara County Committee on SDO denied the transfer by a zero to eight vote with two members absent. The petition was disapproved.

The chief petitioners are appealing the Santa Clara County Committee on SDO’s action, stating that they have met all nine criteria of *Education Code* Section 35753(a). They further assert that the reasons are compelling because the duration of the trip to Scotts Valley schools is double that of the trip to Loma Prieta schools, the safety of the commute is dramatically better to Loma Prieta Schools, there is daily bus services to Loma Prieta and Los Gatos schools, their community identity is with Los Gatos, and they must travel through Loma Prieta and Los Gatos schools’ territory in order to travel to Scotts Valley schools.

California Department of Education (CDE) staff concurs with the conclusion of the Santa Cruz County

Summary of Key Issue(s)

Committee on SDO and the appellant that the provisions of *Education Code* Section 35753(a) have been substantially met. Additionally, CDE finds that there are compelling reasons for the transfer. The appellants currently live on the same street that the property to be transferred is located. Their current residence is in the Los Gatos-Saratoga Joint Union HSD and the Loma Prieta Joint Union ESD. It appears to CDE staff that this transfer would be desired by the appellants regardless of property value. Accordingly, CDE staff recommends the SBE, following a review based solely on the administrative record, reverse the action of the Santa Clara County Committee on SDO by granting the appeal and approving the transfer of territory.

Fiscal Analysis (as appropriate)

There are no significant state level fiscal effects to be considered.

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

[Attachment 1](#): Hutchinson Road/E. Zayante Creek Territory Transfer Appeal Analysis of Statement of Reasons and Factual Evidence (Pages 1-6)

[Attachment 2](#): Proposed Resolution (Page 1 of 1)

Attachment 3: Appeal of the decision of disapproval by the Santa Clara County Committee for Reorganization of District (Pages 1-4)

Attachment 4: Santa Clara County Committee on School District Organization Geographic Isolation Criteria (Page 1 of 1)

[Attachment 5](#): Alternative Proposed Resolution (Page 1 of 1)

**HUTCHINSON ROAD/E. ZAYANTE CREEK (SINGLE PARCEL)
TERRITORY TRANSFER
APPEAL ANALYSIS OF STATEMENT OF REASONS AND FACTUAL EVIDENCE**

RECOMMENDATION

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) reverse the action of the Santa Clara County Committee on School District Organization (SDO) in disapproving the proposed transfer and support the action of the Santa Cruz County Committee on SDO in approving the proposed transfer of territory by granting the appeal and adopting the resolution in Attachment 2.

BACKGROUND

The chief petitioners (hereinafter appellants) have appealed the Santa Clara County Committee on SDO's disapproval of a petition to transfer property adjacent to and on Hutchinson Road/E. Zayante Creek in Santa Cruz County from the Scotts Valley Unified School District (USD) in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District (HSD) and Loma Prieta Joint Union Elementary School District (ESD) in Santa Clara County. The area proposed for transfer includes one parcel of land totaling approximately 17 acres. The lot is currently uninhabited.

The Santa Cruz County Committee on SDO concluded that this petition substantially complied with the nine criteria of *Education Code* Section 35753(a) and unanimously approved the transfer of territory. The Santa Clara County Committee on SDO concluded that this petition substantially complied with the nine criteria of *Education Code* Section 35753(a) with the exception of *Education Code* Section 35753(a)(8), which states, "The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to another." The vote to approve this criterion failed on a four to four vote with two members absent. The Santa Clara County Committee on SDO agreed with the Santa Clara County Office of Education's (COE) study team proposal statement, "The study team does not find the petitioners rationale to be compelling." The Santa Clara County Committee on SDO denied the transfer by a zero to eight vote with two members absent.

POSITIONS OF AFFECTED DISTRICTS

The governing board of the district in which the property is currently located, the Scotts Valley USD, and that of one of the two districts that would have received the property, the Loma Prieta Union ESD, both unanimously consented to the proposed transfer. However, the Los Gatos-Saratoga Joint Union HSD opposes the transfer.

APPEAL

Education Code Section 35710.5 limits appeals of denials of territory transfers to issues of noncompliance with the provisions of sections 35705, 35706, 35709, 35710 and, by references in sections 35709 and 35710, to the nine criteria prescribed in Section 35753(a) for proposals to reorganize school districts. If the nine criteria in Section 35753(a) are substantially met, county committees on school district organization may, but are not required to, approve the reorganization proposal.

The appellants in this case state that the original territory transfer petition met all nine criteria listed in *Education Code* Section 35753(a), that access to Scotts Valley schools requires them to drive on Highway 17, which is an extreme safety concern, and that they are part of the Los Gatos community (Attachment 3).

STAFF ANALYSIS

In evaluating the appellants' arguments, CDE staff reviewed the full administrative record as provided by Santa Clara COE.

The appellants are appealing the Santa Clara County Committee on SDO's finding that criterion eight in *Education Code* Section 35753(a) is not substantially met and their subsequent decision to deny the territory transfer proposal. The appellants also believe that the reasons for the transfer are compelling.

The Santa Clara County Committee on SDO's definition of "compelling need" includes, but is not limited to, geographic isolation, which requires either more than 20 minutes travel time to the nearest school or travel on roads or in traffic that places a student in significantly greater danger during the commute between his home and the closest schools within the current district of residence than during the commute between his home and the closest school in the desired district of residence (Attachment 4).

The feasibility study prepared by the Santa Clara County Office of Education (COE) on this proposed transfer of territory states that for elementary and middle school students, travel distance and time to Loma Prieta Joint Union ESD are shorter than the travel distance and time to Scotts Valley USD schools. For high school students, the travel distance to either Los Gatos or Scotts Valley high schools is approximately the same, and students must travel on Highway 17 if attending either school (unless an alternate route is taken). Due to heavy commute traffic northbound on Highway 17, the travel may be longer to Los Gatos High School than to Scotts Valley High School during the morning commute. In addition, there is a greater concern over student safety because of the heavy commute traffic.

Using the most generally accepted routes to and from the petition area, the distances and travel times to the various schools were measured by both the Santa Cruz and Santa Clara COEs as shown below:

Schools	Distance (Miles)	Time (Minutes)
<u>Elementary Schools</u>		
Loma Prieta (Loma Prieta Joint Union ESD)	2.2	4
Vine Hill (Scotts Valley USD)	8.6	15
<u>Middle Schools</u>		
C.T. English (Loma Prieta Joint Union ESD)	2.2	4
Scotts Valley Jr. High (Scotts Valley USD)	11.6	18
<u>High Schools</u>		
Los Gatos (Los Gatos- Saratoga Joint Union HSD)	7.3	13
Scotts Valley (Scotts Valley USD)	8.2	14

Travel times to both the elementary and middle schools are significantly longer for the Scotts Valley USD schools. Also, the trips to the Scotts Valley USD schools require travel over Highway 17, which the appellants consider to be dangerous, and the travel time is subject to variation due to changing conditions on Highway 17. The times of the day that parents usually take students to and from school coincide with the heavy traffic times caused by the Santa Cruz-San Jose area commuters. School bus service is available in the Loma Prieta Joint USD to both the elementary and middle schools. Santa Clara County public transportation provides service to Los Gatos High School with a bus stop located near the property. There is no bus transportation to any of the Scotts Valley schools. Furthermore, the lot proposed for transfer is geographically isolated. The owners must drive through the territory of Loma Prieta Joint USD and Los Gatos-Saratoga Joint Union HSD in order to get to Scotts Valley USD schools.

In addition, the appellants consider themselves part of the Los Gatos community. The appellants indicate that children who live close to each other, who play together, and whose parents have social relationships may attend schools in different districts if this transfer is not approved. This division will have a disruptive effect on the social, recreational, and educational relationships in their neighborhood, according to the appellants. The feasibility studies from both the Santa Clara COE and the Santa Cruz COE state that this territory has strong historical and current ties with the Santa Clara schools, work places, and communities. This sense of community identity felt by the residents of the territory proposed to be transferred is not felt for schools or communities in Santa Cruz County.

There appears to be enough reason to believe that the proposed territory transfer is not primarily designed to result in a significant increase in property values causing financial advantage to property owners. Although the property to be transferred is currently vacant, the appellants

currently live on the same street as the property. Their current residence is in the Los Gatos-Saratoga Joint Union HSD and the Loma Prieta Joint Union ESD. The transportation and community identity issues are sufficiently compelling to show that this transfer is warranted. It appears that all of the requirements of *Education Code* Section 35753(a) are met.

STATE BOARD OPTIONS

Upon receipt of an appeal the SBE may, pursuant to *Education Code* Section 35710.5(c):

1. Summarily deny review of the appeal, thus ratifying the Santa Clara County Committee on SDO's decision. (Attachment 5- Alternative Proposed Resolution)
2. Review the appeal for noncompliance by the county committee, in this case the Santa Clara County Committee on SDO, with the provisions of the specified *Education Code* sections, either solely on the administrative record or in conjunction with a public hearing.

If the SBE elects to review the appeal, the SBE, following the review, will:

- (a) affirm or reverse the action of the county committee, and
 - (b) if the petition will be sent to election, determine the area of election (discussed later in this report under *Area of Election Legal Principles* and *Recommendations*).
3. Reverse or modify the action of the Santa Clara County Committee on SDO in any manner consistent with law.

AREA OF ELECTION LEGAL PRINCIPLES

The Local Agency Formation Commission¹ (*LAFCO*) court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. The court in *LAFCO* held that in the absence of racial issues, or a declared public interest underlying the determination that has a real and appreciable impact on the equality, fairness, and integrity of the electoral process, that the rational basis test should be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization. In applying the rational basis test, a determination must be made as to whether:

1. There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible; and

¹*Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

2. There is a legitimate public purpose to which a reduced voting area has a fair relationship:
 - (a) The fair relationship to a legitimate public purpose is found in *Government Code* Section 56001, which expresses the legislative intent "to encourage orderly growth and development," such as promoting orderly school district reorganization statewide under the concept of master planning.
 - (b) Preserving the concept of master planning allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration. This concept includes both:
 - (1) Avoiding the risk that residents of the area to be transferred, annexed, or unified might be unable to obtain the benefits of the proposed reorganization if it is unattractive to the residents of the remaining district; and,
 - (2) Avoiding islands of unwanted, remote, or poorly served school communities within large districts.

RECOMMENDATIONS

Appeal Recommendation

CDE staff recommends that the SBE reverse the action of the Santa Clara County Committee on SDO by supporting the action of the Santa Cruz County Committee on SDO and adopt the proposed resolution in Attachment 2.

Following are the reasons for granting the appeal:

1. All nine criteria listed in *Education Code* Section 35753(a) are met. Contrary to the conclusion of the Santa Clara County Committee on SDO, there is substantial reason to believe the proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to another.
2. It is a safer commute to the elementary school and middle school in Santa Clara County since this would avoid the necessity of traveling on Highway 17 to attend the elementary and middle schools in Santa Cruz County. In addition, the commute time to the elementary and middle schools in Santa Clara County would be significantly shorter.
3. There is daily school bus service to Loma Prieta schools and county transit bus to Los Gatos High School, while there is none to the Scotts Valley schools.

4. Strong community identity exists between the Hutchinson Road area and the Los Gatos community in Santa Clara County.

If the SBE affirms the Santa Clara County Committee on SDO's decision, the county's action denying the transfer stands. However, if the SBE reverses the action of the Santa Clara County Committee on SDO, as recommended, and approves the transfer of territory, the SBE must also determine the area of election, which is discussed in the next section.

Area of Election Recommendation

Residents of Hutchinson Road/E. Zayante Creek have genuinely different relevant interests from the remaining residents of the Scotts Valley USD. The majority of Hutchinson Road/E. Zayante Creek residents wish to transfer to the Los Gatos-Saratoga Joint Union HSD and Loma Prieta Joint Union ESD, while the remaining voters in the Scotts Valley USD would likely be indifferent to the proposal. The quality of education provided children attending the Scotts Valley USD will not be negatively impacted by the transfer, since no students affected by the transfer attend the district. Finally, these petitions do not promote segregation or discrimination. Thus, exclusion of the Scotts Valley USD from the vote meets the LAFCO court decision's rational basis test.

Based on the CDE staff analysis, the impact of the petitions on the receiving districts would be insignificant. Thus, it is our opinion that voters in the Los Gatos-Saratoga Joint Union HSD and Loma Prieta Joint Union ESD would also be relatively unaffected by the proposal, and exclusion of the districts from the vote would also meet the LAFCO court decision's rational basis test.

Therefore, if the SBE reverses the action of the Santa Clara County Committee on SDO and approves the territory transfer, CDE staff recommends the SBE establish the petition area as the area of election. In this case the election area currently is uninhabited. Although there are no current registered voters residing in the area of election, the SBE is required by law to determine an election area and direct the county superintendent of schools with jurisdiction over the area to call an election. Local officials (county superintendent of schools, registrar of voters, etc.) must determine whether registered voters reside in the area at the time of election and, if not, what local actions are necessary to comply with legal requirements.

CALIFORNIA STATE BOARD OF EDUCATION
February 2003

PROPOSED RESOLUTION

Appeal by the Chief Petitioners regarding the Santa Clara County Committee on School District Organization's Disapproval of a Transfer of Territory Known as the "Hutchinson Road/E. Zayante Creek" Single Parcel Area from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal, filed on or about June 1, 2000, by chief petitioners from an action of the Santa Clara County Committee on School District Organization disapproving a transfer of territory from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County is hereby granted; and be it

RESOLVED further, that the Santa Clara County Superintendent of Schools and the Santa Clara County Committee on School District Organization be informed that, under Section 35710.5 of the *Education Code*, the County Committee's action to deny such petition is reversed by the State Board of Education; and be it

RESOLVED further, that the State Board of Education has determined the area of election to be that of the petition area; and be it

RESOLVED further, that the Santa Cruz County Superintendent of Schools call an election on the transfer of territory within the boundaries of the petition area, to be conducted at the next regular election; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Santa Clara County Committee on School District Organization, the Santa Cruz County Committee on School District Organization, the chief petitioners, and the affected school districts of the action taken by the State Board of Education.

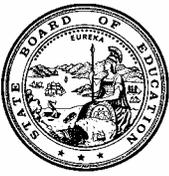
CALIFORNIA STATE BOARD OF EDUCATION
February 2003

ALTERNATIVE PROPOSED RESOLUTION

Appeal by the Chief Petitioners regarding the Santa Clara County Committee on School District Organization's Disapproval of a Transfer of Territory Known as the "Hutchinson Road/E. Zayante Creek" Single Parcel Area from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal, filed on or about June 1, 2000, by chief petitioners from an action of the Santa Clara County Committee on School District Organization disapproving a transfer of territory from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County is hereby denied;, and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Santa Clara County Committee on School District Organization, the Santa Cruz County Committee on School District Organization, the chief petitioners, and the affected school districts of the action taken by the State Board of Education.



SUBJECT Multiple Parcel Hutchinson Road/E. Zayante Creek Territory Transfer Appeal: From Scotts Valley Unified School District in Santa Cruz County to Los Gatos-Saratoga Joint Union High School District and Loma Prieta Joint Union Elementary School District in Santa Clara County.	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

Based solely on the administrative record: (1) reverse the decision of the Santa Clara County Committee on School District Organization (SDO); (2) approve the territory transfer appeal; and (3) establish the area of election as that of the petition area by adopting the proposed resolution. (Attachment 2)

Summary of Previous State Board of Education Discussion and Action

This is a new appeal before the State Board of Education (SBE).

Summary of Key Issue(s)

This is an appeal by the chief petitioners under *Education Code* Section 35710.5 of the Santa Clara County Committee on SDO’s action to deny a petition to transfer three parcels of land on Hutchinson Road/E. Zayante Creek in Santa Cruz County. The petition proposed the transfer of territory from the Scotts Valley Unified School District (USD) in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District (HSD) and the Loma Prieta Joint Union Elementary School District (ESD) in Santa Clara County. The Scotts Valley USD and the Loma Prieta Joint Union ESD support the transfer, while the Los Gatos-Saratoga Joint Union HSD opposes the transfer.

The Santa Cruz County Committee on SDO concluded that the petition substantially complied with the nine criteria of *Education Code* Section 35753(a) and unanimously approved the transfer of territory. The Santa Clara County Committee on SDO concluded that this petition substantially complied with the nine criteria of *Education Code* Section 35753(a) with the exception of *Education Code* Section 35753(a)(8), which states, “The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to another.” The vote to approve this criterion failed on a three to five vote with two members absent. The Santa Clara County Committee on SDO agreed with the Santa Clara County Office of Education study team’s statement, “The study team does not find the petitioners rationale to be compelling.” The Santa Clara County Committee on SDO denied the transfer by a three to five vote with two members absent. The petition was disapproved.

The chief petitioners are appealing the Santa Clara County Committee on SDO’s action, stating that they have met all nine criteria of *Education Code* Section 35753(a). They further assert that the reasons are compelling because the duration of the trip to Scotts Valley schools is double that of the trip to Loma Prieta schools, the safety of the commute is dramatically better to Loma Prieta Schools, there is daily bus service to Loma Prieta and Los Gatos schools, they must travel through Loma Prieta and Los Gatos schools’ territory in order to travel to Scotts Valley schools, and their community identity is with Los Gatos.

Summary of Key Issue(s)

California Department of Education (CDE) staff concurs with the conclusion of the Santa Cruz County Committee on SDO and the appellants' that the nine criteria of *Education Code* Section 35753(a) have been substantially met. Additionally, CDE staff finds that there are compelling reasons for the transfer. The appellants currently live on the same street that the property to be transferred is located. Their current residence is in the Los Gatos-Saratoga Joint Union HSD and the Loma Prieta Joint Union ESD. It appears to CDE staff that this transfer would be desired by the appellants regardless of property value. Accordingly, CDE staff recommends the SBE, following a review based solely on the administrative record, reverse the action of the Santa Clara County Committee on SDO by granting the appeal and approving the transfer of territory.

Fiscal Analysis (as appropriate)

There are no significant state level fiscal effects to be considered.

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

[Attachment 1](#): Hutchinson Road/E. Zayante Creek (Multiple Parcel) Territory Transfer Appeal Analysis of Statement of Reasons and Factual Evidence (Pages 1-6)

[Attachment 2](#): Proposed Resolution (Page 1 of 1)

Attachment 3: Appeal for School District Transfer of Parcels (Pages 1-12)

Attachment 4: Santa Clara County Committee on School District Organization Geographic Isolation Criteria (Page 1 of 1)

[Attachment 5](#): Alternative Proposed Resolution (Page 1 of 1)

**HUTCHINSON ROAD/E. ZAYANTE CREEK (MULTIPLE PARCEL)
TERRITORY TRANSFER
APPEAL ANALYSIS OF STATEMENT OF REASONS AND FACTUAL EVIDENCE**

RECOMMENDATION

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) reverse the action of the Santa Clara County Committee on School District Organization (SDO) in disapproving the proposed transfer and support the action of the Santa Cruz County Committee on SDO in approving the proposed transfer of territory by granting the appeal and adopting the resolution in Attachment 2.

BACKGROUND

The chief petitioners (hereinafter appellants) have appealed the Santa Clara County Committee on SDO's disapproval of a petition to transfer property adjacent to and on Hutchinson Road/E. Zayante Creek in Santa Cruz County from the Scotts Valley Unified School District (USD) in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District (HSD) and Loma Prieta Joint Union Elementary School District (ESD) in Santa Clara County. The area proposed for transfer includes three parcels of land totaling approximately 38 acres. The lots are currently uninhabited.

The Santa Cruz County Committee on SDO concluded that this petition substantially complied with the nine criteria of *Education Code* Section 35753(a) and unanimously approved the transfer of territory. The Santa Clara County Committee on SDO concluded that this petition substantially complied with *Education Code* Section 35753(a) with the exception of *Education Code* Section 35753(a)(8), which states, "The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to another." The vote to approve this criterion failed on a three to five vote with two members absent. The Santa Clara County Committee on SDO agreed with the Santa Clara County Office of Education's (COE) study team statement, "The study team does not find the petitioners rationale to be compelling." The Santa Clara County Committee on SDO denied the transfer by a three to five vote with two members absent.

POSITIONS OF AFFECTED DISTRICTS

The governing board of the district in which the property is currently located, the Scotts Valley USD, and that of one of the two districts that would have received the property, the Loma Prieta Union ESD, both unanimously consented to the proposed transfer. However, the Los Gatos-Saratoga Joint Union HSD opposes the transfer.

APPEAL

Education Code Section 35710.5 limits appeals of denials of territory transfers to issues of noncompliance with the provisions of sections 35705, 35706, 35709, 35710 and, by references in sections 35709 and 35710, to the nine criteria prescribed in Section 35753(a) for proposals to reorganize school districts. If the nine criteria in Section 35753(a) are substantially met, county committees on school district organization may, but are not required to, approve the reorganization proposal.

The appellants in this case state that the original territory transfer petition met all nine criteria listed in *Education Code* Section 35753(a); in addition, access to Scotts Valley schools requires them to drive on Highway 17, which is an extreme safety concern, and they are part of the Los Gatos community (Attachment 3).

STAFF ANALYSIS

In evaluating the appellants' arguments, CDE staff reviewed the full administrative record as provided by Santa Clara COE.

The appellants are appealing the Santa Clara County Committee on SDO's finding that criterion eight in *Education Code* Section 35753(a) is not substantially met and their subsequent decision to deny the territory transfer proposal. The appellants also believe that the reasons for the transfer are compelling.

The Santa Clara County Committee on SDO's definition of "compelling need" includes, but is not limited to, geographic isolation, which requires either more than 20 minutes travel time to the nearest school or travel on roads or in traffic that places a student in significantly greater danger during the commute between his home and the closest schools within the current district of residence than during the commute between his home and the closest school in the desired district of residence (Attachment 4).

The feasibility study prepared by the Santa Clara County Office of Education (COE) on this proposed transfer of territory states that for elementary and middle school students, travel distance and time to Loma Prieta Joint Union ESD are shorter than the travel distance and time to Scotts Valley USD schools. For high school students, the travel distance to either Los Gatos or Scotts Valley high schools is approximately the same, and students must travel on Highway 17 if attending either school (unless an alternate route is taken). Due to heavy commute traffic northbound on Highway 17, the travel may be longer to Los Gatos High School than to Scotts Valley High School during the morning commute. In addition, there is a greater concern over student safety because of the heavy commute traffic.

Using the most generally accepted routes to and from the petition area, the distances and travel times to the various schools were measured by both the Santa Cruz and Santa Clara COEs as shown below:

Schools	Distance (Miles)	Time (Minutes)
<u>Elementary Schools</u>		
Loma Prieta (Loma Prieta Joint Union ESD)	2.2	4
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Travel times to both the elementary and middle schools are significantly longer for the Scotts Valley USD schools. Also, the trips to the Scotts Valley USD schools require travel over Highway 17, which the appellants consider to be dangerous, and the travel time is subject to variation due to changing conditions on Highway 17. The times of the day that parents usually take students to and from school coincide with the heavy traffic times caused by the Santa Cruz-San Jose area commuters. School bus service is available in the Loma Prieta Joint USD to both the elementary and middle schools. Santa Clara County public transportation provides service to Los Gatos High School with a bus stop located near the property. There is no bus transportation to any of the Scotts Valley schools. Furthermore, the lots proposed for transfer are geographically isolated. The owners must drive through the territory of Loma Prieta Joint USD and Los Gatos-Saratoga Joint Union HSD in order to get to Scotts Valley USD schools.

In addition, the appellants consider themselves part of the Los Gatos community. The appellants indicate that children who live close to each other, who play together, and whose parents have social relationships may attend schools in different districts if this transfer is not approved. This division will have a disruptive effect on the social, recreational, and educational relationships in their neighborhood, according to the appellants. The feasibility studies from both the Santa Clara COE and the Santa Cruz COE state that this territory has strong historical and current ties with the Santa Clara schools, work places, and communities. This sense of community identity felt by the residents of the territory proposed to be transferred is not felt for schools or communities in Santa Cruz County.

There appears to be enough reason to believe that the proposed territory transfer is not primarily designed to result in a significant increase in property values causing financial advantage to property owners. Although the property to be transferred is currently vacant, the appellants

currently live on the same street as the property. Their current residence is in the Los Gatos-Saratoga Joint Union HSD and the Loma Prieta Joint Union ESD. The transportation and community identity issues are sufficiently compelling to show that this transfer is warranted. It appears that all of the requirements of *Education Code* Section 35753(a) are met.

STATE BOARD OPTIONS

Upon receipt of an appeal the SBE may, pursuant to *Education Code* Section 35710.5(c):

1. Summarily deny review of the appeal, thus ratifying the Santa Clara County Committee on SDO's decision. (Attachment 5- Alternative Proposed Resolution)
2. Review the appeal for noncompliance by the county committee, in this case the Santa Clara County Committee on SDO, with the provisions of the specified *Education Code* sections, either solely on the administrative record or in conjunction with a public hearing.

If the SBE elects to review the appeal, the SBE, following the review, will:

- (a) affirm or reverse the action of the county committee, and
 - (b) if the petition will be sent to election, determine the area of election (discussed later in this report under *Area of Election Legal Principles* and *Recommendations*).
3. Reverse or modify the action of the Santa Clara County Committee on SDO in any manner consistent with law.

AREA OF ELECTION LEGAL PRINCIPLES

The Local Agency Formation Commission¹ (*LAFCO*) court decision provides the most current legal interpretations to be followed in deciding the area of school district reorganization elections. The court in *LAFCO* held that in the absence of racial issues, or a declared public interest underlying the determination that has a real and appreciable impact on the equality, fairness, and integrity of the electoral process, that the rational basis test should be used to determine whether the area of election should be less than the total area of the district affected by the proposed reorganization. In applying the rational basis test, a determination must be made as to whether:

1. There is a genuine difference in the relevant interests of the groups, in which case an enhancement of the minority voting strength is permissible; and

¹*Board of Supervisors of Sacramento County, et al., v. Local Agency Formation Commission (3 Cal. 4th 903, 1992)*

2. There is a legitimate public purpose to which a reduced voting area has a fair relationship:
 - (a) The fair relationship to a legitimate public purpose is found in *Government Code* Section 56001, which expresses the legislative intent "to encourage orderly growth and development," such as promoting orderly school district reorganization statewide under the concept of master planning.
 - (b) Preserving the concept of master planning allows for planned, orderly community-based school systems that adequately address transportation, curriculum, faculty, and administration. This concept includes both:
 - (1) Avoiding the risk that residents of the area to be transferred, annexed, or unified might be unable to obtain the benefits of the proposed reorganization if it is unattractive to the residents of the remaining district; and,
 - (2) Avoiding islands of unwanted, remote, or poorly served school communities within large districts.

RECOMMENDATIONS

Appeal Recommendation

CDE staff recommends that the SBE reverse the action of the Santa Clara County Committee on SDO by supporting the action of the Santa Cruz County Committee on SDO and adopt the proposed resolution in Attachment 2.

Following are the reasons for granting the appeal:

1. All nine criteria listed in *Education Code* Section 35753(a) are met. Contrary to the conclusion of the Santa Clara County Committee on SDO, there is substantial reason to believe the proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to another.
2. It is a safer commute to the elementary school and middle school in Santa Clara County since this would avoid the necessity of traveling on Highway 17 to attend the elementary and middle schools in Santa Cruz County. In addition, the commute time to the elementary and middle schools in Santa Clara County would be significantly shorter.
3. There is daily school bus service to Loma Prieta schools and county transit bus to Los Gatos High School, while there is none to the Scotts Valley schools.

4. Strong community identity exists between the Hutchinson Road area and the Los Gatos community in Santa Clara County.

If the SBE affirms the Santa Clara County Committee on SDO's decision, the county's action denying the transfer stands. However, if the SBE reverses the action of the Santa Clara County Committee on SDO, as recommended, and approves the transfer of territory, the SBE must also determine the area of election, which is discussed in the next section.

Area of Election Recommendation

Residents of Hutchinson Road/E. Zayante Creek have genuinely different relevant interests from the remaining residents of the Scotts Valley USD. The majority of Hutchinson Road/E. Zayante Creek residents wish to transfer to the Los Gatos-Saratoga Joint Union HSD and Loma Prieta Joint Union ESD, while the remaining voters in the Scotts Valley USD would likely be indifferent to the proposal. The quality of education provided children attending the Scotts Valley USD will not be negatively impacted by the transfer, since no students affected by the transfer attend the district. Finally, these petitions do not promote segregation or discrimination. Thus, exclusion of the Scotts Valley USD from the vote meets the LAFCO court decision's rational basis test.

Based on the CDE staff analysis, the impact of the petitions on the receiving districts would be insignificant. Thus, it is our opinion that voters in the Los Gatos-Saratoga Joint Union HSD and Loma Prieta Joint Union ESD would also be relatively unaffected by the proposal, and exclusion of the districts from the vote would also meet the LAFCO court decision's rational basis test.

Therefore, if the SBE reverses the action of the Santa Clara County Committee on SDO and approves the territory transfer, CDE staff recommends the SBE establish the petition area as the area of election. In this case the election area currently is uninhabited. Although there are no current registered voters residing in the area of election, the SBE is required by law to determine an election area and direct the county superintendent of schools with jurisdiction over the area to call an election. Local officials (county superintendent of schools, registrar of voters, etc.) must determine whether registered voters reside in the area at the time of election and, if not, what local actions are necessary to comply with legal requirements.

CALIFORNIA STATE BOARD OF EDUCATION
February 2003

PROPOSED RESOLUTION

Appeal by the Chief Petitioners regarding the Santa Clara County Committee on School District Organization's Disapproval of a Transfer of Territory Known as the "Hutchinson Road/E. Zayante Creek" Multiple Parcel Area from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal, filed on or about June 1, 2000, by chief petitioners from an action of the Santa Clara County Committee on School District Organization disapproving a transfer of territory from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County is hereby granted; and be it

RESOLVED further, that the Santa Clara County Superintendent of Schools and the Santa Clara County Committee on School District Organization be informed that, under Section 35710.5 of the *Education Code*, the County Committee's action to deny such petition is reversed by the State Board of Education; and be it

RESOLVED further, that the State Board of Education has determined the area of election to be that of the petition area; and be it

RESOLVED further, that the Santa Cruz County Superintendent of Schools call an election on the transfer of territory within the boundaries of the petition area, to be conducted at the next regular election; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Santa Clara County Committee on School District Organization, the Santa Cruz County Committee on School District Organization, the chief petitioners, and the affected school districts of the action taken by the State Board of Education.

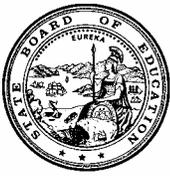
CALIFORNIA STATE BOARD OF EDUCATION
February 2003

ALTERNATIVE PROPOSED RESOLUTION

Appeal by the Chief Petitioners regarding the Santa Clara County Committee on School District Organization's Disapproval of a Transfer of Territory Known as the "Hutchinson Road/E. Zayante Creek" Multiple Parcel Area from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County

RESOLVED, that under the authority of *Education Code* Section 35710.5, the appeal, filed on or about June 1, 2000, by chief petitioners from an action of the Santa Clara County Committee on School District Organization disapproving a transfer of territory from the Scotts Valley Unified School District in Santa Cruz County to the Los Gatos-Saratoga Joint Union High School District and the Loma Prieta Joint Union Elementary School District in Santa Clara County is hereby denied; and be it

RESOLVED further, that the Secretary of the State Board of Education notify, on behalf of said Board, the Santa Clara County Committee on School District Organization, the Santa Cruz County Committee on School District Organization, the chief petitioners, and the affected school districts of the action taken by the State Board of Education.



CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 7

FEBRUARY 2003 AGENDA

SUBJECT Request by the Knowledge Is Power Program (KIPP) Summit Academy Petitioners to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education.	X	ACTION
	X	INFORMATION
	X	PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) will provide a complete analysis to the State Board of Education (SBE) with the supplemental mailing.

Summary of Previous State Board of Education Discussion and Action

SBE Authority to Grant Charters: Pursuant to *Education Code* Section 47605(j), as of January 1, 1999, a charter school that has been denied approval by a local chartering entity may petition the SBE to approve the charter.

Previous Requests: Since January 1999, the SBE has reviewed several charter petitions that had been denied at the local level and has to date approved six such requests. At its December 2000 meeting, the SBE approved two charter schools: the Oakland Military Institute in Alameda County and the Ridgecrest Charter School in Kern County. These two charter schools opened at the beginning of the 2001-02 school year under oversight of the SBE. In July 2001, the SBE approved the renewal of the Edison Charter Academy in San Francisco, which had previously been denied renewal by the district. At its December 2001 meeting, the SBE approved the New West Charter Middle School and the Animo Inglewood Charter High School, both of which are located in Los Angeles County. In September 2002, the SBE approved the School of Arts and Enterprise, also located in Los Angeles County.

Oversight of Charter Schools by the SBE: At the request of the SBE, CDE staff presented an issue paper at its May 2000 meeting that outlined a comprehensive proposal for the review, approval and oversight of previously denied charters. The issue paper proposed that the SBE adopt regulations that define a process for the review of a charter petition that has been denied locally. Regulations were developed and approved by the SBE at its December 2001 meeting and are currently in use.

At its October 2001 meeting, the SBE also established an Advisory Commission on Charter Schools (ACCS) and charged it with a number of responsibilities, including advising the SBE on charter petitions that have been denied at the local level.

Summary of Key Issue(s)

On December 20, 2002, the CDE received a request from the petitioners of the KIPP Summit Academy to authorize a charter school proposed to be located in the City of San Lorenzo in Alameda County. The petition to establish the charter school was denied by the San Lorenzo Unified School District on November 19, 2002. The ACCS will review this petition and hear testimony from the petitioners at its January 21, 2003 meeting, at which time the ACCS is expected to make a recommendation on this petition.

This item will provide for a public hearing on this charter proposal. According to *Education Code* Section 47605(b), at the public hearing, the SBE “shall consider the level of support for the petition by teachers

Summary of Key Issue(s)

employed by the district, other employees of the district and parents.”

Fiscal Analysis (as appropriate)

Information will be provided as necessary in the supplemental mailing.

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

Additional information will be provided in the supplemental mailing.

Supplemental Memorandum

To: STATE BOARD MEMBERS **Date:** 1/24/03

From: Susan Lange, Deputy Superintendent
Finance, Technology and Administration

Re: ITEM #7

Subject REQUEST BY THE KNOWLEDGE IS POWER PROGRAM (KIPP) SUMMIT
ACADEMY TO APPROVE A PETITION TO BECOME A CHARTER
SCHOOL UNDER THE OVERSIGHT OF THE STATE BOARD OF
EDUCATION.

The Advisory Commission on Charter Schools (ACCS) heard the KIPP Summit Academy appeal on January 21, 2003. The ACCS voted unanimously to recommend approval of the petition, with conditions of operation, to the State Board. The ACCS disagreed with one California Department of Education (CDE) staff recommendation on this petition. The CDE recommendation is that the charter be granted to the KIPP Summit Academy rather than the KIPP California organization. The ACCS recommends that KIPP California be granted the charter, as proposed by the petitioners. This issue is discussed in detail on page 3 of Attachment 1.

If the State Board approves this petition, we recommend that it do so for a three-year term beginning July 1, 2003 with the attached conditions of operation and that it be given charter number 524.

Please see the following attachments:

Attachment 1: State Board of Education Charter School Appeal Findings (Pages 1-12)
Attachment 2: Petition For Charter Approval for the KIPP Summit Academy (Pages 1-296)
(This attachment is not available on the web)

State Board of Education Charter School Appeal Findings

School Name: Knowledge Is Power Program (KIPP) Summit Academy	
Denying District: San Lorenzo Unified School District	Date Denied: 11/19/02
County: Alameda	
Date Received by SBE: 12/20/02	

STATUTORY REASONS FOR DENIAL	Concerns*
1. The Charter School presents an unsound educational program for pupils to be enrolled in the charter school.	<input checked="" type="checkbox"/>
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	<input checked="" type="checkbox"/>
3. The petition does not contain the number of required signatures.	<input type="checkbox"/>
4. The petition does not contain an affirmation that the school shall be nonsectarian, shall not charge tuition and shall not discriminate.	<input type="checkbox"/>
5. The petition does not contain reasonably comprehensive descriptions of the required elements.	<input checked="" type="checkbox"/>
*See detail regarding concerns on findings 1, 2, and 5 on the following pages.	

GENERAL COMMENTS AND AFFIRMATIONS	Included	
	Yes	No
Evidence of local governing board denial per <i>Education Code</i> (EC) Section 47605 (j)(1) and 5 CCR 11967(a)(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reason for denial included (5 CCR 1967(a)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full charter included (EC 47605(b)(5)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signed certification of Compliance with applicable law (5 CCR 11967(b)(3))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Written verification of SELPA participation or district delegation to accept charter in the LEA for Special Education (EC 47641© and (d))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Serves pupils in grade levels that are served by the school district of the governing board that considered the petition (EC 47605(a)(6))	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDING #1	Concerns
<p>The charter school presents an unsound educational program for pupils to be enrolled in the charter school (EC 47605(b)(1)).</p> <ul style="list-style-type: none">• Program presents the likelihood of physical, educational, or psychological harm;• Program is not likely to be of educational benefit to the pupils who attend. (5 CCR 11967.5.1(b)).	
<p>Comments: The KIPP Summit Academy charter petition is one of the most comprehensive and detailed proposals that have come to the State Board on appeal. The academic program appears well thought out and is fully grounded in the California Academic Content Standards. The proposal contains measurable student outcomes and describes how they will be assessed. The KIPP Foundation also conducts an extensive evaluation of all its schools, which is described in detail in the proposal. Staff has, nonetheless, identified a few issues of concern in the proposal.</p> <ul style="list-style-type: none">• The petition generally does not address how special education students will be provided programs and services that will allow these students to master the accelerated and rigorous curriculum proposed in the petition. For example:<ol style="list-style-type: none">(1) It is unclear whether KIPP Summit Academy is going to participate in a SELPA as an LEA or under the district umbrella;(2) There is no detail regarding the qualifications of instructional staff for special education students;(3) The position of Special Education Manager is not clearly defined other than to say that the position will be generally responsible for overseeing casework management for all special education students;(4) It is not clear how special education English Language Learners (ELL) would be incorporated into an accelerated program and exposed to a rigorous core curriculum and the school expects that approximately 25% of its students will be ELL;(5) The school plans on using a contract service provider to provide special education services, some of which the contractor may not be certified to provide.• The Student/Parent Handbook appears to penalize students for parental behavior by stating that failure of parents to adhere to commitments can lead to a child returning to his/her home school. The petitioners have indicated that what was meant by this language was that students who are an immediate physical threat to others at the school may be removed from the school, not that a student would be expelled because a parent did not get the student to school on time or failed to attend a parent/teacher conference. We recommend this section be revised to state more clearly what the intent is or be removed. Petitioners have agreed to add clarifying language.	

FINDING #2	Concerns
<p>The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (EC 47605(b)(2)).</p> <ul style="list-style-type: none"> • Petitioners have a past history of involvement with charter schools or other education agencies that are regarded as unsuccessful; • Petitioners are unfamiliar with the contents of petition or requirements of law; • Petitioners have presented an unrealistic financial and operational plan for the charter school; • Petitioners lack the necessary background in curriculum, instruction and assessment, and finance and business management, and have no plan for securing individuals with the necessary background (5 CCR 11967.5.1(c)). 	
<p>Comments: The petitioners appear to have a well-qualified and experienced team of charter developers and have had success in operating other charter schools around the country. The petitioners have a good sense of the tasks and time lines involved in opening a new school and provide extensive training to new school leaders. KIPP staff seems to have developed a good rapport with San Lorenzo Unified School District staff in spite of district denial of the petition. Staff, however, does note a couple of concerns with the governance and budget sections of the proposal.</p> <ul style="list-style-type: none"> • The State Board member of the school’s governing board is proposed to be a non-voting member. We recommend that this provision be changed to include the State Board member as a voting member. The petitioners have no problem with this recommendation. • The charter proposes to make the KIPP California organization the charter holder rather than the school. Both are established as non-profit corporations with their own separate boards of directors. KIPP California would contract with KIPP Summit Academy to ensure that the school is upholding the KIPP model to the appropriate standards. This proposal creates a situation where there are multiple organizations with different boards that are responsible for implementing the charter, but liability and accountability do not clearly rest with one organization. <p>Indeed, there are a few instances in the charter where both KIPP California and KIPP Summit Academy appear to have equal policy making and fiduciary responsibilities. In addition, the School Leader is appointed by KIPP California but appears to be an employee of the school and is evaluated by the school board of directors. The school board is, according to the charter, responsible for the day-to-day operations and is liable for all actions of the school. However, KIPP California is empowered to implement, manage, and operate the school. KIPP California can also terminate its agreement with the school. If it does this, it is unclear what the status of the school is since KIPP California is the entity that has been granted the charter. In a sense, KIPP California would be usurping State Board powers to revoke and for reasons other than those specified in statute. These examples make it difficult to determine who has ultimate authority for the KIPP Summit Academy.</p>	

For liability, accountability, funding and risk exposure purposes we recommend that the school be the charter holder rather than the statewide KIPP organization.

The ACCS has disagreed with CDE staff on this issue and recommends that the charter holder be KIPP California rather than the school. The ACCS also recommends that the charter petition be revised to clearly describe the status of each organization should KIPP California terminate its agreement with KIPP Summit Academy or the school board decide to close the school.

Apparently, this issue has surfaced in other states and with other proposed KIPP schools in California. In other instances we understand KIPP California has agreed to allow the local school to be granted the charter rather than the state organization. Regardless of which entity the SBE grants the charter to, we recommend in addition to the language recommended by the ACCS, that the applicants provide copies of the by-laws of each organization and a copy of the agreement between KIPP California and KIPP Summit Academy signed by both parties and that the governance section of the charter be revised to more clearly describe the duties and responsibilities of each organization. Finally, if the SBE chooses to grant the charter to KIPP Summit Academy, we recommend language be added to the charter stating that if the school decides not to adhere to the KIPP model or KIPP California terminates its agreement with the school, the State Board will consider this change a material change to the charter requiring the school to submit amendments to its charter to the State Board for approval.

FINDING #3	No Concerns
The petition does not contain the number of signatures required by law (EC Section 47605(b)(3) and (5 CCR 11967.5.1(d)).	
Comments:	

FINDING #4	No Concerns
The petition does not contain an affirmation of each of the following: <ul style="list-style-type: none"> • Shall be nonsectarian • Shall not charge tuition • Shall not discriminate (EC Section 47605(b)(4) and (5 CCR 11967.5.1(e)) 	
Comments:	

FINDING #5	Reasonably Comprehensive	Not Reasonably Comprehensive
The petition contains reasonably comprehensive descriptions of the following (EC Section 47605(b)(5) and (5 CCR 11967.5.1(f)):		
(A) A description of the educational program, including how information will be provided to parents on transferability of courses and eligibility of courses to meet college entrance requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(B) The measurable pupil outcomes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(C) The method by which pupil progress is to be measured (compliance with statewide assessments and standards)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(D) Governance structure, including the process to ensure parental involvement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Concerns are described under Finding #2		

(E) Qualifications to be met by those employed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment: Petition does not describe qualifications of special education staff or the Special Education Manager.		
(F) Procedures to ensure health and safety of pupils and staff, including criminal records summary (per EC Section 44237)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(G) The means by which the school will achieve racial and ethnic balance reflective of the district population	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(H) Admission requirements, if applicable (District priority or lottery per EC 47605 (d)(2))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(I) The manner in which an independent annual financial audit is to be conducted	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Petition does not specify that audit will be completed by December 15 each year, nor does it specify that the auditor will have experience in education finance.		
(J) The procedures by which pupils can be suspended or expelled	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: None		
(K) The manner by which staff will be covered by STRS, PERS, or Social Security	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Petition does not describe which positions will be covered or who is responsible for making appropriate arrangements for coverage.		
(L) The public school attendance alternatives for pupils residing in the school district who choose not to attend charter schools (No governing board of a school district shall require any pupil enrolled in the school district to attend a charter school)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Petition does not include standard language as required in the regulations.		

<p>(M) A description of the rights of any employee of the district, upon leaving the employment of the district to work in the charter, and of any rights of return to the school district after employment at the charter school (No governing board of a school district shall require any employee of the school district to be employed in a charter school (EC 47605(e))</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Petition does not include standard language as required in the regulations.</p>		
<p>(N) Process for resolution of disputes with chartering entity</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Petition does not include standard language as required in the regulations. Language in petition also appears to limit SBE intervention in certain disputes. Recommend language be revised to allow the SBE to intervene any time it believes its fundamental interests are being compromised.</p>		
<p>(O) Declaration whether or not the charter school shall be deemed the exclusive public employer for the purposes of EERA</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: None</p>		
<p>(P) A description of the procedures to be used if the charter school closes</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: Although not required by law for petitions submitted before January 1, 2003, it is reasonable for the State Board to require such procedures.</p>		

**Recommended Conditions of Operation
for State Board Charter Appeals**

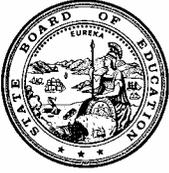
Condition	Recommended	Not Recommended	Alternative Date
<p>1. Insurance Coverage-not later than June 1, (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>2. Oversight Agreement-not later than January 1, either (a) accept an agreement with the State Board of Education (administered through the California Department of Education) to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the State Board of Education (as represented by the Executive Director of the State Board), and an oversight entity (pursuant to EC Section 47605(k)(1)) regarding the scope of oversight and reporting activities, including, but not limited, adequacy and safety of facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	03/03/2003

Condition	Recommended	Not Recommended	Alternative Date
<p>3. SELPA Membership-no later than February 1, submit written verification of having applied to a special education local plan area (SELPA) for membership as a local education agency and, not later than June 1, submit either written verification that the school is (or will be at the time students are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's students to be students of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive director of the State Board of Education based primarily on the advice of the State Director of Special Education based on a review of either the school's written plan for membership in the SELPA, including any proposed contracts with service providers or the agreement between a SELPA, a school district and the school, including any proposed contracts with service providers.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Delete application date – June 1, 2003, verification date remains.</p>

Condition	Recommended	Not Recommended	Alternative Date
<p>4. Educational Program-not later than January 1, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and, not later than June 1, submit the complete educational program for students to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used, plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress, and a budget which clearly identifies the core program from enrichment activities and reflects only those loans, grants, and lines of credit (if any) that have been secured by the Executive Director of the State Board of Education based primarily on the advice of the Deputy Superintendent for Curriculum and Instructional Leadership.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5. Student Attendance Accounting-not later than May 1, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Fiscal Services Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06/02/2003

Condition	Recommended	Not Recommended	Alternative Date
<p>6. Facilities Agreement-not later than January 1, present a written agreement (a lease or similar document) indicating the school's right to use the principal school site identified by the petitioners for at least the first year of the school's operation and evidence that the facility will be adequate for the school's needs. Not later than June 1, present a written agreement (or agreements) indicating the school's right to use any ancillary facilities planned for use in the first year of operation. Satisfaction of these conditions should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>06/03/2003 for all facilities</p>
<p>7. Zoning and Occupancy-not less than 30 days prior to the school's opening, present evidence that the facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the State Board of Education may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the State Board of Education based primarily on the advice of the Director of the School Facilities Planning Division.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Condition	Recommended	Not Recommended	Alternative Date
<p>8. Final Charter-not later than January 1, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the State Board of Education as the chartering authority and otherwise address all concerns identified by California Department of Education staff, and that includes a specification that the school will not operate satellite schools, campuses, sites, resource centers or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the State Board of Education based primarily on the advice of appropriate CDE staff.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	04/01/2003
<p>9. Legal Issues-in the final charter presented pursuant to condition (8), resolve any provisions related to legal issues that may be identified by the State Board's Chief Counsel.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>10. Processing of Employment Contributions-prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p>11. Operational Date-if any deadline specified in these conditions is not met, approval of the charter is terminated, unless the State Board of Education deletes or extends the deadline not met. If the school is not in operation by September 30, 2004, approval of the charter is terminated.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
ACTION: Consider recommendations from the Superintendent’s Advisory Committee for the Public Schools Accountability Act (PSAA) on additional locally-adopted pre-post tests of achievement to serve as indicators in the Alternative Schools Accountability Model (ASAM).	X	INFORMATION
INFORMATION: Review Guidelines for the administration and reporting of locally-adopted tests of achievement as indicators in the ASAM.		PUBLIC HEARING

Recommendation:

Approve additional locally-adopted pre-post tests of achievement to serve as indicators in the Alternative Schools Accountability Model (ASAM), based on recommendations of the Superintendent’s Advisory Committee for the Public Schools Accountability Act.

Summary of Previous State Board of Education Discussion and Action

ACTION: At its December 2002 meeting, the State Board of Education (SBE) approved four locally-adopted assessment instruments for use as additional indicators of achievement in the ASAM. SBE also directed the California Department of Education (CDE) and its contractor, WestEd, to contact the publishers of instruments rated at Level 2 (Potentially Approvable) and Level 2a (Promising but with Insufficient Data) to request additional information. WestEd received such information from several publishers and reconvened members of the original standards and technical review panels to evaluate the new data consistent with the original review process. Results of this second round of reviews will be presented to the Superintendent’s Advisory Committee for the Public Schools Accountability Act (PSAA) at its January 2003 meeting and submitted to the Board as recommendations for approval in February.

INFORMATION: In December 2002, the SBE approved specific locally-adopted assessment instruments for use as indicators of achievement in the ASAM **subject to the development and SBE approval of formal administration and reporting guidelines.** These guidelines will be presented to the Superintendent’s PSAA Advisory Committee at its January 2003 meeting and forwarded to SBE for information in February.

Summary of Key Issue(s)

None.

Fiscal Analysis (as appropriate)

None

Attachment(s)

Additional materials will be provided in the supplemental agenda.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: February 2003

From: Susan M. Bennett

Re: ITEM # 8

Subject Recommendations from the Superintendent's Advisory Committee for the Public Schools Accountability Act (PSAA) pursuant to the review and approval process for additional locally-adopted pre-post tests of achievement to serve as indicators in the Alternative Schools Accountability Model (ASAM).

Please remove the original Agenda Item #8 and replace with the new Agenda Item #8, included as Attachment I. (Note: Information Subpart, *Review guidelines for the administration and reporting of locally-adopted pre-post tests of achievement as indicators in the ASAM*, included in the original Agenda Item #8, is being removed from this item. This Subpart will be resubmitted as information in the future.)

Attachment I: New Agenda Item #8 (Page 1)

Attachment II: Report to the California State Board of Education on the Alternative Schools Accountability Model Pre-post Test Indicator Second Review Process (Pages 1-4)



**SUPPLEMENTAL ITEM #8 - ATTACHMENT I
CALIFORNIA STATE BOARD OF EDUCATION**

ITEM # 8

FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
Consider recommendations from the Superintendent’s Advisory Committee for the Public Schools Accountability Act (PSAA) on additional locally-adopted pre-post tests of achievement to serve as indicators in the Alternative Schools Accountability Model (ASAM).		INFORMATION
		PUBLIC HEARING

Recommendation:

Approve additional locally-adopted pre-post tests of achievement to serve as indicators in the Alternative Schools Accountability Model (ASAM), based on recommendations of the Superintendent’s Advisory Committee for the Public Schools Accountability Act.

Summary of Previous State Board of Education Discussion and Action

At its December 2002 meeting, the State Board of Education (SBE) approved four locally-adopted assessment instruments for use as additional indicators of achievement in the ASAM. SBE also directed the California Department of Education (CDE) and its contractor, WestEd, to contact the publishers of instruments rated at Level 2 (Potentially Approvable) and Level 2a (Promising but with Insufficient Data) to request additional information. WestEd received such information from several publishers and reconvened members of the original standards and technical review panels to evaluate the new data consistent with the original review process.

The Superintendent’s Advisory Committee for the Public Schools Accountability Act (PSAA) met on January 23, 2003 and considered the results of the second review. Based on that review, **the Committee recommends that the SBE approve four instruments, and reject three instruments (see Attachment II, page 4, for specific instruments).**

Summary of Key Issue(s)

None

Fiscal Analysis (as appropriate)

None

Attachment(s)

None

**Report to the California State Board of Education
on the Alternative Schools Accountability Model Pre-post Test Indicator
Second Review Process**

I. Background for the Alternative Schools Accountability Model Instrument Review

The Public Schools Accountability Act of 1999, SB 1X, Chapter 3, Statutes of 1999 [Article 2, Section 52052 (g)], required that by... *July 1, 2000 the Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop an alternative accountability system for schools with fewer than 100 pupils, and for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, and alternative schools, including continuation high schools and independent study schools.*

Following the timeline and procedures approved by the State Board of Education (SBE), the California Department of Education (CDE) developed and implemented an Alternative Schools Accountability Model (ASAM) for alternative schools serving high-risk students. Currently, schools participating in the ASAM have selected two performance indicators from a list approved by the State Board of Education. First-year accountability results for ASAM schools will be based on the two performance indicators, as well as on academic performance as measured by STAR results. The Superintendent's Advisory Committee for the Public School Accountability Act (PSAA) proposed that schools in the ASAM be allowed to use a locally-adopted pre-post test to measure English/language arts and/or mathematics achievement as an additional indicator of performance.

CDE contracted with WestEd, the educational laboratory for the region including California and the U.S. Department of Education-designated Assessment and Accountability Specialist Laboratory, to develop and implement a plan to identify potential assessment instruments: (1) appropriate for the various student populations enrolled in ASAM schools; and (2) with sufficient technical characteristics to support school-level accountability decisions. WestEd met extensively with CDE staff and the PSAA Alternative Accountability Subcommittee to develop a plan that was technically sound, feasible, and consistent with the intent of the PSAA.

In June 2002, CDE and WestEd drafted and sent out a request for assessment instruments to all school districts and county offices of education with schools participating in the ASAM, as well as test publishers throughout the country. The letter described the ASAM and requested nominations or submissions of assessment instruments considered appropriate measures for tracking the progress of ASAM students. The submission form requested that publishers provide evidence of the instruments' merit in four areas: (1) alignment to California's content standards, (2) appropriateness for ASAM student populations, (3) technical adequacy (reliability and validity of the instrument), and (4) evidence that the test is free from bias based on race, gender, or ethnicity.

WestEd subsequently received submissions for 33 instruments and conducted a preliminary internal review to ensure that submission requirements had been met and that evidence had been provided relating to the four areas described above. Where evidence was missing, they then contacted the publishers, giving them an additional opportunity to submit supporting materials. This preliminary review was followed by external reviews by standards alignment and psychometric (technical) specialists. While the original proposed ASAM model focused on using approved instruments in a pre-post manner, the review was expanded to potentially allow other models for determining the value-added impact of ASAM schools.

WestEd presented the combined results of these reviews to the PSAA Advisory Committee, which then forwarded their recommendations to the SBE for information in November and for action in December 2002.

II. Second Instrument Review

The SBE approved four locally-adopted assessment instruments for use as additional indicators of achievement in the ASAM in December 2002. The SBE also directed the CDE and its contractor, WestEd, to contact the publishers of instruments rated at Level 2 (Potentially Approvable) and Level 2a (Promising but with Insufficient Data) in the first review process to request additional information. These Level 2 and 2a instruments were deemed promising, but required more information in order to complete the standards alignment and technical review processes. Publishers of six of the Level 2a instruments submitted additional information and three new publishers also submitted instruments for inclusion in the second review. WestEd applied the same standards alignment and technical adequacy review processes that had been used for the first round of assessment evaluations as described below.

Standards Alignment Review

Specialists in the California English/Language Arts and Mathematics content standards (most with direct experience with the ASAM population) convened to review the instruments submitted. Instruments were evaluated based on their alignment to the appropriate content standards, as well as the appropriateness of the instrument to the various ASAM student populations. Each instrument was reviewed by a minimum of two panel members. Instruments that were consistently rated very low in their alignment to the California content standards were removed from consideration; all others proceeded to the subsequent technical review phase.

Technical Review

For the next phase of the review, technical experts conducted the formal review of each instrument's psychometric adequacy. Each instrument was reviewed by a minimum of two panel members. Participants evaluated and rated the instruments' (1) norming processes, especially related to alternative populations, as well as (2) evidence submitted on the reliability, validity, and lack of bias for each assessment.

Bias Review

Several steps were taken in the review process to ensure any approved instruments were bias free. First, the WestEd internal review highlighted any evidence provided by the publishers that bias-identification procedures (either statistical or committee-based) were undertaken during instrument development. Second, Standards Alignment Review Panel members reviewed the actual test items to determine appropriateness for the various high-risk student populations. Third, the Technical Review Panel examined the validity of all bias-related evidence provided. Finally, several publishers indicated that their instruments had previously been approved by the California Legal and Social Compliance process.

Table 1
Combined Ratings of the Second ASAM Standards Alignment and
Technical Review - January, 2003¹

STANDARDS ALIGNMENT

		High	Moderate	Low
T E C H N I C A L	High	Northwest Evaluation Association (NWEA) Measure of Academic Progress (L1)		
	Moderate	Lightspan Reading/Math EduTest * (L1)	EdVision/Scantron Performance Series * (L1) PLATO System * (L1)	Stanford Diagnostic Reading * (L3) Stanford Diagnostic Math * (L3)
	Low			New Century Education System* (L3) Vanderbuilt Oral Reading Test (L3) Pro-Ed Language Arts Instruments (L3)

**Instruments previously rated a Level 2a (requiring more information).*

¹ Tests identified as L1 assess the following content areas and grade levels:
 Northwest Evaluation Association (NWEA) Measure of Academic Progress - Language Arts/Math, grades 2-12,
 Lightspan Reading/Math EduTest – Language Arts/Math, grades 2-8,
 EdVision/Scantron Performance Series – Language Arts/Math, grades 2-12,
 PLATO System – Language Arts/Math at grades K-12.

III. Results of Second Review

The categorization of instruments shown in Table I reflects the combined ratings of the standards alignment and review panels.

As Table 1 indicates, one instrument received high ratings on both the standards alignment and technical criteria. The same decision rules that were applied following the first instrument review have been applied here. Levels 1, 2, 2a, and 3 are defined as follows:

Level 1 (Provisionally Approvable): Instruments receiving at least a moderate rating on both content and technical criteria may be approvable for continued use subject to the development of formal administration and reporting regulations. Four instruments are in this category.

Level 2 (Potentially Approvable) and Level 2a (Promising but with Insufficient Data): While the instruments appear to possess alignment to the California content standards and contain several desirable features, insufficient evidence was presented to make a reliable judgment. No instruments were categorized at these levels.

Level 3 (Unapprovable): Instruments falling below moderate in either category with no counterbalancing high rating on standards alignment should be considered unapprovable. (The review panels believed that no instrument with insufficient standards alignment should be approved because the instruments were submitted as intact.)

IV. Recommendations

The second instrument review process has identified additional locally-adopted instruments for potential use as additional indicators of achievement at ASAM schools. The PSAA Advisory Committee recommends the following:

- ***State Board Approval of Level 1 instruments.*** Four instruments that received a moderate or higher rating in both the standards alignment and technical reviews should be approved for use as an additional ASAM indicator subject to the development and State Board approval of formal administration and reporting requirements. Schools can examine the instruments for use with the populations they serve.
- ***Rejection of Level 3 instruments.***



FEBRUARY 2003 AGENDA

SUBJECT		ACTION
Performance levels for non-test indicators in the Alternative Schools Accountability Model (ASAM).	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Consider proposed performance levels for non-test indicators in the Alternative Schools Accountability Model (ASAM).

Summary of Previous State Board of Education Discussion and Action

At its December meeting, the State Board of Education (SBE) reviewed as information a set of procedures for setting performance levels for the non-test indicator data reported by ASAM schools for school year 2001-2002. Proposed performance levels will be reviewed by the Superintendent's Advisory Committee for the Public Schools Accountability Act (PSAA) at its January 2003 meeting and submitted to the SBE as information in February.

Summary of Key Issue(s)

None

Fiscal Analysis (as appropriate)

None

Attachment(s)

Additional materials will be provided in the supplemental agenda.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: February 2003

From: Susan M. Bennett

Re: ITEM # 9

Subject For Information: Performance levels for non-test indicators in the Alternative Schools Accountability Model (ASAM).

At its December meeting the State Board of Education (Board) reviewed as initial information a set of procedures for setting performance levels for the non-test indicator data reported by ASAM schools for school year 2001-2002. This item presents recommendations for proposed performance levels from the Superintendent's Advisory Committee for the Public Schools Accountability Act (PSAA) as additional information.

Attachment I: Update: Performance Levels for Alternative Schools
Accountability Model Non-test Indicators (Pages 1-3)

**UPDATE: PERFORMANCE LEVELS FOR ALTERNATIVE SCHOOLS
ACCOUNTABILITY MODEL NON-TEST INDICATORS**

Consistent with the charge from the Alternative Accountability Subcommittee to the Superintendent's Advisory Committee on the Public School Accountability Act (PSAA), CDE's contractor, WestEd, convened an advisory panel to develop a set of proposed indicator performance levels. The panel included nationally recognized experts, California educators who have had experience with ASAM schools and indicators, and CDE staff. The panel proposed that performance levels for the indicators should be set based on the following information, as available:

- research regarding threshold levels on each indicator shown to affect student or school performance,
- practices in other states relative to setting performance levels for each indicator, and
- current ASAM performance distributions for each indicator.

The PSAA Alternative Accountability Subcommittee and full Advisory Committee have considered the information available and recommend a three-tiered approach with the following characteristics:

- At the top of the scale, an upper threshold can be determined for each indicator. A school that selects an indicator and performs at or above this level would be considered as meeting the standard for the indicator. The upper threshold would be subdivided into two categories provisionally called "*Commendable*" and "*Sufficient*" performance.
- Schools below this upper level would be expected to increase their performance on selected indicators at intervals such that the upper level could be reached within the 12-year period set by the No Child Left Behind Act (NCLB). This category provisionally would be called "*Growth Plan*."
- Schools that fail to meet a pre-set lower threshold would be identified as being at great risk and potentially subject to immediate action such as development of an improvement plan. This category would provisionally be called "*Immediate Intervention*."

The proposed performance levels have been set provisionally based on first-year data from ASAM schools. CDE will re-evaluate the levels and may propose adjustments to fine-tune them when data from school year 2002-2003 are available.

Proposed Alternative Schools Accountability Model Indicator Performance Levels¹

The Public School Accountability Act (PSAA) Advisory Committee has agreed to a system that sets challenging, yet defensible, growth targets on non-test indicators for schools on the Alternative Schools Accountability Model (ASAM). They recommend a three-tiered approach with the following characteristics:

- **Commendable and Sufficient:** At the top of the scale, an upper threshold can be determined for each indicator. A school that selects an indicator and performs at or above this level would be considered as meeting the standard for the indicator. The upper threshold would be subdivided into two categories indicating *sufficient* and *commendable* performance.
- **Growth Plan:** Schools below this upper level would be expected to increase their performance at intervals such that the upper level could be reached within the 12-year period set by the No Child Left Behind Act (NCLB).
- **Immediate Intervention:** Schools that fail to meet a pre-set lower threshold would immediately be identified as being at great risk and potentially subject to immediate action such as development of an improvement plan.

These levels have been applied to the following indicators. The data are based on first-year results at ASAM schools for school year 2001-2002.

Indicator Name	Number of Schools Reporting	Commendable		Sufficient		Total Percent Sufficient or Above	Growth Plan		Immediate Intervention	Total Percent Below Sufficient
		Cut Score %	% of Schools Commendable	Cut Score %	% of Schools Sufficient but not Commendable		Cut Score %	% of Growth Plan Schools		
3. Student Punctuality	44	98	18%	84	39%	57%	64	29%	14%	43%
4. Sustained Daily Attendance	86	97	22%	87	37%	59%	66	28%	13%	41%
5. Student Persistence	31	NA*	NA*	97	65%	65%	86	32%	3%	35%
6. Attendance	572	95	8%	84	42%	50%	65	41%	9%	50%
11. Promotion to Next Grade	50	NA*	NA*	95	82%	82%	70	16%	2%	18%
12A. Course Completion	39	97	38%	92	23%	61%	65	36%	3%	39%
12B. Educational Program Completion	14	96	36%	90	14%	50%	80	36%	14%	50%
13A. Credit Completion	221	95	27%	84	29%	56%	65	32%	12%	44%
14A. High School Graduation	115	96	21%	75	23%	44%	35	40%	16%	56%
14B. On-time High School Graduation	91	95	13%	60	35%	48%	26	44%	8%	52%
15A. GED Completion	10	95	10%	70	30%	40%	30	30%	30%	60%
15C. GED Section Completion	8	95	0%	83	50%	50%	65	38%	12%	50%

*NA – Data distribution did not allow for commendable score range.

¹ Baseline data distributions for Indicators 1, 2, 12C, and 13B indicate that additional data will be required for school year 2002-2003 prior to setting performance levels.

JANUARY 24, 2002

**SUPPLEMENTAL ITEM # 9
ATTACHMENT I
Page 3 of 3**

An illustrative example, based on current ASAM data for Indicator 6: Attendance, is shown on page 2. *Sufficient* performance might be set at 84 percent with *commendable* performance set at 95 percent. Schools achieving the 84 percent level would be considered as meeting a reasonable standard. The lower limit, below which schools would be identified as needing *immediate intervention*, could be set at approximately 65 percent. Schools falling between 65 percent and 84 percent would be evaluated annually on their growth toward attaining the upper threshold.



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
Report of the Curriculum Development and Supplemental Materials Commission.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Hear an informational report on the activities of the Curriculum Development and Supplemental Materials Commission and its support staff. Take action as the State Board deems necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action

The State Board has requested that it receive a regular report on the activities of the Curriculum Commission and its support staff with the opportunity to take action as the State Board deems necessary and appropriate on any matter related to the Curriculum Commission's work.

Summary of Key Issue(s)

N/A

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

The Curriculum Commission report will be forthcoming in the Board's Supplemental mailing.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: January 28, 2003

**From: Karen Yamamoto, Chair, Curriculum Development and Supplemental Materials Commission
Thomas Adams, Acting Executive Secretary, Curriculum Commission, CFIR Division**

Re: SUPPLEMENTAL ITEM # 10

Subject REPORT OF THE CURRICULUM DEVELOPMENT AND SUPPLEMENTAL MATERIALS COMMISSION

This month's report contains one action item and information on Commission's elections and setting of goals for 2003. In addition, the report updates the Board on the development of the Visual and Performing Arts Framework.

Attachment #1: Report of the Curriculum Commission.

Item for action:

Attachment #2: Process and Timeline for Updating Mathematics Framework. The Curriculum Commission is asking for your approval.

Items for information:

Attachment #3: Curriculum Development and Supplemental Materials Commission 2003 Subject Matter Committee and Other Special Assignments. During the January 15-17 Curriculum Commission meeting, officers were elected for the 2003 calendar year. Karen Yamamoto was elected Chair and Edith Crawford was elected Vice Chair. The three additional members of the Executive Committee are Norma Baker, Milissa Glen-Lambert, and Dale Webster. The Executive Committee appointed subject matter committee chairs and assigned commissioners to subject matter committees. Each subject matter committee elects a vice-chair.

Attachment #4: Goals of the Curriculum Development and Supplemental Materials Commission for 2003 calendar year. The Curriculum Commission established its goals for the 2003 calendar year.



State of California

Gray Davis, Governor

Curriculum Development and Supplemental Materials Commission

An advisory body to the California State Board of Education

916-319-0881

January 28, 2003

Reed Hastings, President
State Board of Education
1430 N Street, Fifth Floor
Sacramento, CA 94244-2720

RE: February 2003 Report of the Curriculum Development and Supplemental Materials Commission

Dear President Hastings:

On behalf of the Curriculum Development and Supplemental Materials Commission (Curriculum Commission), I am pleased to provide you with an update of its recent activities. There is one action item contained within this report regarding the updating of the *Mathematics Framework*. The Curriculum Commission will also present an item under separate cover on the 2003 K-8 Foreign Language Adoption.

Schedule Change for March Meeting

In order to make the best use of its time, the Curriculum Commission has decided to change its meeting dates from March 20-21 to March 28. Commissioners will be conducting the training for the Foreign Language Adoption on March 24-27 and then hold a full Commission meeting on March 28. This change will not prevent the Curriculum Commission from accomplishing its goals.

Mathematics Framework

At the last meeting, the Curriculum Commission followed the State Board's direction and approved a timeline and process for updating the framework in terms of assessment and legislation. Under this proposed timeline, the Curriculum Commission would finish its work in November 2004 and present the framework to the State Board of Education in January 2005. The timeline and process are attached for your approval (please see Attachment #1: Process and Timeline for Updating Mathematics Framework).

2003 K-8 Foreign Language Adoption

During the January meeting, the Curriculum Commission approved fourteen Instructional Materials Advisory Panel (IMAP) applicants and five Language Expert (LE) applicants for recommendation to the State Board for the 2003 K-8 Foreign Language Adoption. In addition, the Curriculum Commission authorized its Chair, Karen Yamamoto, and the Chair of the Foreign Language Committee, Edith Crawford, to review and recommend additional IMAPs and LEs to the State Board of Education. The recommendations and a revised timeline will be presented as a separate item.

Field Review of Draft Visual and Performing Arts Framework

The Curriculum Commission approved the draft Visual and Performing Arts Framework for field review. The Chair of the Visual and Performing Arts Committee, Lora Griffin, will work closely with CDE staff in making final preparations of the document. The draft framework and evaluation questionnaire will be available on the CDE website, www.cde.ca.gov/cfir, between March and April 2003.

Curriculum Commission elects new officers, appoints members to subject matter committees, and adopts goals for 2003

On January 16, the Curriculum Commission elected the following officers for 2003:

Karen Yamamoto, Chair

Edith Crawford, Vice Chair

Norma Baker, Executive Committee Member

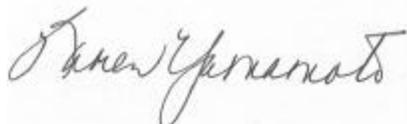
Milissa Glen-Lambert, Executive Committee Member

Dale Webster, Executive Committee Member

The executive committee appointed commissioners to the subject matter committees and the Chair appointed liaisons to a number of important education commissions and committees (please see Attachment #2: Curriculum Development and Supplemental Materials Commission 2003 Subject Matter Committee and Other Special Assignments). In addition, the Curriculum Commission established its goals for the 2003 calendar year (please see Attachment #3: Goals of the Curriculum Development and Supplemental Materials Commission for 2003 calendar year).

This concludes the Curriculum Commission's report for February. I am pleased to have the opportunity to work with each of you this year during my tenure as Commission Chair. As always, we welcome your direction on all matters related to the Curriculum Commission.

Sincerely,



Karen Yamamoto, Chair

Curriculum Development and Supplemental Materials Commission

Attachments:

KY:ssg

cc: Members, State Board of Education

Jack O'Connell, State Superintendent of Public Instruction

Gavin Payne, Chief Deputy Superintendent

Sue Stickel, Deputy Superintendent, Curriculum and Instruction

Richard Brandsma, Executive Director, State Board of Education

Members, Curriculum Commission

Thomas Adams, Acting Executive Secretary, Curriculum Commission

Process and Timeline for Updating Mathematics Framework

CDE Staff: Tom Akin, Consultant, CFIR
Tom Adams, Administrator, CFIR

The Process for Updating the Mathematics Framework

Legal Basis:

Under Education Code 60200(b)(1)(f), the State Board of Education shall produce a framework and adopt instructional materials for mathematics on a six-year cycle. Education Code 60200(c)(5)(B)(6) requires that the criteria be approved by the State Board of Education at least 30 months prior to the date that the materials are adopted. The State Board is scheduled to approve a new Mathematics Framework in 2004 with a major adoption in 2007. The Curriculum Commission, as the advisory body to the State Board on curriculum and instructional materials, must bring forth a draft framework in order to fulfill this statutory obligation.

Background:

The State Board of Education adopted the *Mathematics Framework for California Public Schools, Kindergarten Through Grade Twelve* in December 1998. In 2001, the State Board conducted its first adoption of instructional materials that was based on the framework and its accompanying criteria.

Scope of Review:

At its meeting on November 15, 2002, the Curriculum Commission indicated that it wanted to maintain the foundational content of the framework, yet recognized that the document may have to be updated on specific issues. The commission agreed to review the current framework in the following areas: legislation, content accuracy, educational research, assessment, and evaluation criteria for instructional materials. The *Framework* and its changes will be subject to public review and comment.

Stages of Review:

Legislation: CDE staff will examine the important legislative developments affecting mathematics instruction since 1998. Only chaptered bills will be examined and only those relevant to K-12 education.

Content accuracy: When the *Framework* was written, eminent mathematicians lent their expertise in ensuring the mathematics was accurate. The strength of the document is its respect for content.

Nevertheless, mistakes that were not seen in the last printing may need to be corrected and mathematicians may see better ways to express mathematical ideas and principles that are found in the standards.

Educational research: Dr. David Geary, a cognitive psychologist at the University of Missouri, was the primary writer for information about how students learn mathematics, instructional models for mathematics, and the key standards. He or another scholar will need to review the framework's suggestions for instruction.

Assessment: California has been assessing its students in mathematics since 1998. There are results for grades 2-11 and CDE staff members have already done some analyses. The commission should have an understanding of the meaning of these results and what, if any, effect they should have on the updating of the framework.

Evaluation criteria for instructional materials: The next criteria need to clarify some issues that arose during the 2001 adoption. In addition, any legislative changes that affect instructional materials will be included in updates.

Public comment: All changes to the framework will be subject to public comment. It is recommended that a period of 30-45 days be allowed for the public to comment on any changes to and/or content of the *Mathematics Framework*.

Timeline of Activities

Date	Activity
January 16-17, 2003	Legislative Review: CFIR staff analysis of legislation that affects the framework
March 28, 2003	Assessment Review: Assessment staff will review the results from the statewide tests from the previous years.
May 15-16, 2003	Mathematics Content Review and Educational Research: The process for reviewing the framework by scholars will begin and continue through the summer. Designated scholars will review the framework for accuracy and clarity and for updating educational research. This will continue throughout the summer. Curriculum Commissioners will approve a list of areas to be reviewed.
September 17-19, 2003	Mathematics Content Review and Educational Research: Curriculum Commission will receive responses from designated scholars and decide on what to accept.
November 6-7, 2003	Evaluation criteria for instructional materials: Curriculum Commission will review criteria and propose changes
January 2004	Curriculum Commission approves a field review version of the updated framework
February 1-March 15, 2004	Field Review Period
March 2004	Curriculum Commission examines preliminary results
May 2004	Curriculum Commission analyzes results and provides guidance to staff on further revisions.
September 2004	Curriculum Commission examines new draft
November 2004	Curriculum Commission holds hearings and takes action on draft framework
January 2005	Curriculum Commission presents draft framework to the State Board of Education. State Board holds public hearings
February 2005	State Board of Education acts on framework
November 2007	State Board of Education adopts K-8 instructional materials for mathematics

Curriculum Development and Supplemental Materials Commission

2003 Subject Matter Committee and Other Special Assignments

Commissioner	Occupation	Appt. Power	Term Expires	Exec. Com.	RLA/ELD	Math	Science	H-SS	VPA	Health	For. Lang.	ELR	P.E.	*Liaison to: Other Special Assignments
Baker, N.	Principal	SBE	2005	X		Chr.		VC			X			
Brakemeyer, W.	Teacher	SBE	2005		X				VC		X	X		
Coronado, M.	Teacher	SBE	2003						X		VC		X	
Crawford, E.	Vice Principal	SBE	2004	VC			X	X			Chr.			SS
Glen-Lambert, M.	Teacher	Assembly	2005	X						X	X		Chr.	
Griffin, L.	Tchr/Admn, retired	SBE	2003		X				Chr.	X				CTC
Keys, D.	Executive Director	SBE	2006		X			Chr.			X			
Mann, S.	Teacher	SBE	2005			X	Chr.			VC				
Maravilla, J.	Teacher/Reading Consultant	SBE	2006		VC				X		X			
Metzenberg, S.	Professor	SBE	2006			VC	VC			X		Chr.		DCP/AB598
Norris, V.	Attorney	SBE	2003				X			Chr.		VC		
Webster, D.	Teacher/Reading Consultant	SBE	2005	X	Chr.	X							VC	DCP/AB598
Yamamoto, K.	Teacher	SBE	2003	Chr										CISC
Vacant		Governor												
Vacant		SBE				X	X		X					
Pavley, F.	Assembly Member	Assembly	2005											
Vasconcellos, J.	Senator	Senate	2005											
Stickel, Susan	CDE Deputy Supt.													CSMP

Key:

- X=** Committee or Liaison Assignment made by CC Executive Committee, 1/16/03
Chr= Chair of Commission's Subject Matter Committee (SMC) appointed by Executive Committee
VC= Vice Chair of SMC elected by SMC members
CTC= Commission on Teacher Credentialing
CSMP= **Concurrence Committee for California Subject Matter Project**
SS= "Sunshine Club" Chair of Curriculum Commission
AB598= Advisory Commission on Technology and Learning
DCP= Digital California Project
CISC= Curriculum and Instruction Steering Committee

For more information, contact: Tom Adams, Acting Executive Secretary to Curriculum Commission, Curriculum Frameworks and Instructional Resources Division at (916) 319-0663, Tadams@cde.ca.gov or visit our website at <http://www.cde.ca.gov/cc>.

Goals of the Curriculum Development and Supplemental Materials Commission for 2003 calendar year

Executive Committee Goals for 2003:

1. Complete and distribute the Policy and Procedure Manual.
2. Continue to develop priorities for commissioner training as needed, within state budget funding capacity.
3. Continue to develop strategies to connect standards, curriculum, professional development and assessment.
4. Develop, approve and distribute clear and concise presentation packets for commissioners to use in the field.
5. Continue to develop K-16 outreach regarding frameworks, instructional resources, and the Curriculum Commission.
6. Improve awareness and, if possible, provide comment on CDE publications regarding curriculum and instruction.

History-Social Science Subject Matter Committee: (H-SS):

1. Begin preparation for the 2005 primary adoption of Instructional Materials by:
 - (a) Informing publishers of the approved criteria for evaluation of instructional materials in History-Social Science.
 - (b) Approving a time line for the 2005 primary adoption in History-Social Science.
2. Hold a publisher briefing on Criteria for Evaluating Instructional Materials.
3. Begin recruitment of IMAP and CRP members.

Reading/Language Arts/English Language Development (RLA/ELD) Subject Matter Committee:

1. Prepare for the possible interim adoption of reading/language arts/English language development in 2004 by developing a tentative timeline for the adoption.
2. Develop a plan for possible update of the reading/language arts framework in 2004.
3. Continue to review and provide input on all other California Department of Education Reading/Language Arts/English Language Development publications.
4. Develop a PowerPoint slide presentation on the Reading/Language Arts Framework and instructional materials to assist in professional development.

Science Subject Matter Committee:

1. Assist CDE in the dissemination of the Science Framework
2. Examine Evaluation Criteria for 2006 Science Primary Adoption

Foreign Language Subject Matter Committee:

1. Disseminate the Foreign Language Framework.
2. Prepare and complete the 2003 Adoption of K-8 Foreign Language Instructional Materials.

Visual & Performing Arts Subject Matter Committee:

1. Conduct Field Review of Draft VPA Framework and Evaluation Criteria
2. Complete Draft VPA Framework and Evaluation Criteria
3. Submit Draft VPA Framework and Evaluation Criteria to State Board of Education

Mathematics Goals for 2003:

1. Approve timeline goals and updating process
2. Complete legislative, assessment, content, and educational research reviews
3. Review and propose changes to evaluation criteria for K-8 instructional materials
4. Increase awareness of Mathematics Framework and instructional materials to assist in professional development through PowerPoint slide presentation.

Health Goals for 2003:

1. Assist the California Department of Education in the dissemination of the California Health Framework.
2. Review and provide input on all other California Department of Education Health publications.
3. Recommend IMAP and CRP candidates to SBE for participation in the 2004 Health Primary Adoption.
4. Prepare for and facilitate the 2004 Health Primary Adoption process.

Physical Education Goals for 2003:

1. Remain informed and follow the development of the Physical Education standards.

Electronic Learning Resources Subject Matter Committee (ELR):

1. Continue to work with the advisory body to the Commission on Technology and Learning (AB598)
2. Provide consultation to the CLRN project
3. Remain informed on national and statewide efforts in the area of electronic learning technologies
4. Encourage publishers to establish a centralized, national web site that will allow teacher access to online materials
5. Provide direction to the State Board of Education and the Governor's Office regarding the use of online materials in relation to the State's adopted materials
6. Connect with the work of the Digital California Project (DCP) (K-20 Statewide network) - continue

**FEBRUARY 2003 AGENDA**

SUBJECT	X	ACTION
Instructional Materials Advisory Panel (IMAP) and Language Expert (LE) applications for the 2003 K-8 Foreign Language Adoption of Instructional Materials – Second Cohort	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Review and approval of the IMAP and LE applicants submitted by the Curriculum Development and Supplemental Materials Commission.

Summary of Previous State Board of Education Discussion and Action

On May 9, 2001, the State Board of Education approved the K-8 *Foreign Language Curriculum Framework*. The evaluation criteria for the development of Foreign Language Instructional materials was also approved. On April 24, 2002, the State Board adopted the *2003 K-8 Primary Foreign Language Adoption timeline*. On the December 11-12, 2002, the State Board approved the first cohort of nine IMAP and four LE candidates recommended by the Commission.

Summary of Key Issue(s)

Twelve publishers have indicated an interest in submitting materials for review and adoption, representing seven languages. It is estimated that a minimum of ten panels will be needed to conduct the review. This is the second cohort of IMAP and LE applicants to be forwarded to the State Board. Training for IMAPs and LEs will be March 24-28, 2003, and deliberations will take place from July 7-10, 2003. Both trainings will occur in Sacramento.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

A supplemental will be provided.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: January 24, 2003

From: Karen Yamamoto, Chair, Curriculum Development and Supplemental Materials Commission

Suzanne Rios, Administrator, Instructional Resources Unit

Re: ITEM # 11

Subject 2003 FOREIGN LANGUAGE PRIMARY ADOPTION –

1. INSTRUCTIONAL MATERIALS ADVISORY PANEL (IMAP) AND LANGUAGE EXPERT (LE) APPLICATIONS FOR THE 2003 K-8 PRIMARY FOREIGN LANGUAGE ADOPTION OF INSTRUCTIONAL MATERIALS
2. MINOR CHANGES TO THE 2003 FOREIGN LANGUAGE PRIMARY ADOPTION TIMELINE

Please insert the following attachments to Item # 11

Attachment #1: Language Expert (LE) mini biographies

Attachment #2: Instructional Materials Advisory Panel (IMAP) mini biographies

Attachment #3: 2003 Foreign Language Primary Adoption Timeline (Revised)

RECOMMENDATION:

1. Approve LE Applicants
2. Approve IMAP Applicants
3. Approve Minor Changes to 2003 Foreign Language Primary Adoption Timeline

Background on LE and IMAP Applicants

At the November 14-15, 2002, Curriculum Commission meeting, following extensive recruitment efforts, the Curriculum Commission approved and forwarded the first cohort of four LE and nine IMAP applicants to the State Board with a recommendation that the State Board approve all thirteen. At the November 14-15, 2002, meeting, the Commission also extended the application deadline for IMAPs and LEs to January 2, 2003.

At the January 15-17, 2003 Commission meeting, the Commission approved a second group (cohort 2) of IMAP and LE applicants. Due to the continued shortage of panel members, the Commission also delegated the Commission Chair and the Foreign Language Subject Matter Committee Chair to review additional applications and send them forward to the State Board for consideration at their February 5-6, 2003 meeting, recommending approval of all the applicants – eighteen IMAPs and seven LEs.

There may be a need for additional IMAPs and LEs in German, Chinese, Japanese, and Italian, depending on how many programs are submitted for review.

Profile of the Applicants

The role of the IMAP is to review submitted programs to determine their alignment with the foreign language evaluation criteria. The LEs, in addition to serving as a full member of the IMAP, serve as advisors on issues of the proper use of the language, language structure, and the cultural context of the materials being reviewed. Of the eighteen IMAP applicants, three are from Northern California, seven from Central California and eight are from Southern California. Fifteen are teachers and three are community members. The languages represented by this group include German, Japanese and Spanish.

There are seven LE applicants. Five are from Northern California, two from Southern California. Four are professors and three are consultants. Five are fluent in Spanish, one in Japanese, and one in Italian.

Estimated Number of Panels

Ten publishers have indicated interest in submitting materials for review and adoption in seven languages. The *2003 K-8 Primary Foreign Language Adoption Timeline* established March 3, 2002, as the deadline for receipt by the California Department of Education of the submission plan from interested publishers.

Minor changes to the 2003 Foreign Language Primary Adoption Timeline

At the January 15-17, 2003, Curriculum Commission meeting, the Commission voted to recommend to the State Board two minor changes to the 2003 Foreign Language Primary Adoption Timeline. The timeline was adopted by the State Board on April 24, 2002. The Commission recommends changing the Training and Publisher Presentations Schedule from March 24-March 28, 2003, to March 24- March 27, 2003. This reflects a streamlined training schedule and will permit the Commission to meet on March 28, 2003.

The second recommended change is to integrate the Legal and Social Compliance review process into the content review conducted by the Language Expert and Instructional Materials Advisory Panels. This change reflects the necessity of having the legal and social compliance review for foreign language conducted by reviewers who have knowledge of the cultural context as well as the language. Given the difficulty in locating a sufficient number of reviewers with language expertise, conducting a separate review for legal and social compliance would not be possible.

Cohort 2 LE Applicants (#105- #109)

105

The candidate is an Assistant Professor of Spanish at California State University, Chico. He was also an Assistant Professor of Spanish at the University of Alabama at Birmingham. He has published in his field. At CSU Chico, he has served on several committees including Textbook Selection Committee, and has been Co-Chair of the Departmental Curriculum Committee. He is a volunteer at Parkview Elementary School in Chico, working with students in different levels of the Spanish reading program. The candidate has a B.A. in Spanish from Brigham Young University, an M.A. in Spanish Literature from Brigham Young University, and a Ph.D. in Spanish Literature from the University of Virginia. He has had four years teaching experience.

#106

The candidate currently is a Professor of Italian at California State University, Sacramento (CSUS). She has also taught Italian at the middle school and high school levels. In her current position, she has responsibility for developing and implementing all lower division Italian language and culture classes at CSUS. She has facilitated the process for the review and adoption of Italian instructional materials at the university level. The candidate has conducted extensive research in Italian language instruction over a period of twenty-five years, and has published in the field. Concurrent with her teaching assignment at CSUS, the candidate also serves as a Civil Rights Coordinator for the California Department of Education and is an Education Programs Consultant with the California Department of Education. The candidate has a B.A. in Italian Studies from California State University, Sacramento, an M.A. in Italian Studies/Multicultural Education from Vermont College, Montpelier, Vermont, and is a doctoral candidate in Italian Studies at The Union Institute, Vermont College, Montpelier, Vermont. She has eight years teaching experience.

#107

The candidate is an administrator with the Educational Service Center for Coachella Valley Unified School District in Hemet, California. She has taught and supervised student teachers at San Diego State University, and served as a Visiting Professor at Claremont College where she designed and taught an instructional program for teachers K-12 for a Language Development Specialist Credential. Other professional experiences include serving on an Expert Auditor's Team in Oakland, serving as a Staff Development Consultant, and a county level English learner coordinator. The candidate has also been an independent researcher, a staff development and coaching specialist and has made many presentations at conferences, including how to prepare English learners for success in a standards based context. The candidate has a B.A., magna cum laude in English with a double minor in Spanish and Biology from Louisiana Polytechnic University, an M.A. in Political Science from Texas A&M, and a Ph.D. in Educational Administration from Claremont Graduate School and San Diego State University.

#108

The candidate is a lecturer at California State University Sacramento (CSUS) in Spanish and also teaches at American River College in Sacramento. She has taught at the University of California, Davis, and Sacramento City College. The candidate is Director of the Capital Foreign Language Project at CSUS, a regional site designed to provide professional development for foreign language teachers K-16, and President of the Foreign Language Association of Greater

Sacramento. She has organized, presented and facilitated at several conferences and staff development sessions at the state and regional level. In 2000, she received the Outstanding Alumni Award from CSUS. The candidate has a B.A. in Spanish from CSUS, an M.A. in Spanish from CSUS, and a Ph.D. in Philosophy in Spanish from the University of California, Davis. She has had twenty-two years or teaching experience.

#109

The candidate is an Instructor in Japanese at California State University Sacramento (CSUS). She has been a Japanese language instructor at five universities. She has served as a Coordinator of Japanese Language and Culture at State University of New York, and as Assistant Director and Japanese Language Specialist at The Mary Tsukamoto California Language Academy, Elk Grove Unified School District. The candidate has a B.A. in Asian Studies from the University of Oregon, an M.A. in Asian Studies from the University of Oregon, and a Ph.D. in Foreign Language Education, Department of Learning and Instruction, State University of New York at Buffalo. She has ten years teaching experience.

Cohort 3 LE Applicants (#110-#111)

#110

The candidate is the English Learners and support Programs Coordinator for San Bernardino City Unified School District. She has taught Spanish courses for Riverside County Office of Education's Bilingual Teachers' Training Program, University of California, Riverside's Spanish and Portuguese Department, Chapman College's "Abroad" program, Antelope Valley Community College and Riverside Community College. She served as an IMAP member for the 1991 Foreign Language Adoption and has taken part in three Spanish Language Arts adoptions at the district level. The candidate has a B.A. in Spanish from San Diego State, an M.A. in Spanish from the University of California, Riverside, and a Ph.D. in Spanish from the University of California, Riverside. She has twenty-four years teaching experience.

#111

The candidate is a Consultant for the California Department of Education and teaches beginning and intermediate Spanish at Sacramento City College. In her current position, the candidate works with Title III, the Federal Program for English Learners. The candidate has been a Lecturer in Spanish through University of California (UC) Davis Extension, a Professor and Co-Director of the Overseas Program of the Foreign Language Department at California State University (CSU) Sacramento, a Professor in the Spanish and Classics Department at CSU Hayward, an Associate in Teaching for the Spanish and Classics Department at UC Davis, a Lecturer, Regional and Continuing Education at CSU Sacramento, and a Professor in the Modern Languages Department, CSU, Stanislaus. As a Consultant for the California Department of Education, she has edited the English Language Arts Standards, Spanish version, and edited the Spanish Golden State Exam for the California Department of Education. The candidate has eighteen years teaching experience.

Cohort 2 IMAP Applicants (#131- #144)

#131

The candidate retired from teaching Latin at Gardena High School in Los Angeles Unified School District in 1992. She is currently the head of the Latin Teacher Placement Bureau for California and serves as a tutor for students studying Latin. She has been an active member of the California Classical Association Southern Section, serving as president and vice president. She has served on several Latin committees for Los Angeles Unified School District, including the Latin Textbook Adoption Committee. She has a B.A. and an M.A. in Latin from the University of California Los Angeles, and held a Fulbright Scholarship for summer study in Rome. She has forty years teaching experience.

#132

The candidate teaches Latin and Ancient Greek at Santa Margarita Catholic High School in Foothill Ranch in Orange County. He has also had experience as a foreign language substitute teacher, an adult school teacher, and as a research assistant for two professors of Ancient Greek at Fresno State University. He has had experience in developing an Honor Course in Ancient Greek and founded a Classical Studies Club at Santa Margarita. The candidate has a B.A. in history and a B.A. in philosophy from California State University Sonoma, a B.A. in Classical Studies, Philosophy and History from California State University Fresno, and is working toward an M.A. in Ancient History at California State University Long Beach. He has taught four years.

#133

The candidate is the Foreign Language Division Leader at Natomas High School in Sacramento and teaches French 1, 3, French Language AP, and French Literature AP. As a Beginning Teacher Support provider (BTSA), the candidate works closely with beginning foreign language teachers. She has had experience in managing the textbook adoption procedure at the high school level in foreign language. The candidate has a B.A. in French (with Distinction) and a minor in German from Whitman College, in Walla Walla Washington, a single subject credential in French from San Jose State University, and has completed one year of undergraduate study in French language environment at the Universite de Paris Sorbonne and a year at Monterey Institute of International Studies in French translation and interpretations. She has seven years teaching experience.

#134

The candidate teaches high school Spanish and AP literature at Apple Valley High School and Granite Hills High School in Apple Valley. She is the Department Chair of her high school, and serves as a teacher trainer for the California Foreign Language Project. The candidate was a member of the Golden State Exam Writing team, co-authoring the GSE in Spanish and serving as Chief Reader for the summer scoring sessions. She is currently a College Board AP Consultant. The candidate has a B.A. in

Spanish from UCLA, a M.Ed. in Counseling from California State University, San Bernardino, and a Single Subject Teaching Credential in Spanish and Psychology. She has taught for twelve years.

135

The candidate teaches French and Spanish in grades 6,7 and 8 at Sequoia Middle School in Redding. She has taught English to high school students in Morocco as a member of the Peach Corps, and has served as a language arts teacher in grades 6 through 8, in addition to her current assignment. She is a participant in the Northern California Foreign Language Project. The candidate has a B.A. in English from CSU Chico, and has a teaching credential from CSU Chico. She has twenty-four years teaching experience.

#136

The candidate teaches Latin at Stagg High School in Stockton. She has taught high school Spanish, and taught part time at San Joaquin Delta College and Sacramento City College. The candidate has also had experience teaching kindergarten and middle school reading and Spanish. She has served as a Team Leader for Teacher Corps, as a senior writer/coordinator of a national cooperative effort studying classroom discipline, and as a SB 395 Trainer for CLAD certification. The candidate has a B.A. from the University of California, Berkeley with a Spanish major and Latin minor, an M.A. from the University of California, Berkeley in Curriculum Development, specialization in Reading-Language Arts. She has a Standard Elementary Life Credential, a Standard Secondary Life Credential, a Reading Specialist Certificate, an Administrative Services Credential, and English Language Development Certificate and a Bilingual Certificate of Competence. She has taught for fourteen years.

137

The candidate teaches Spanish and French at Barrett Middle School in Sacramento. She previously taught both French and Spanish in three high schools in three different districts in Sacramento County. The candidate has served on her district's adoption committee for foreign language. As a high school teacher and a middle school teacher, the candidate has established curriculum and chosen instructional materials for Spanish and French courses. She has lived in Argentina, France and England for one year each. The candidate has a B.A. in anthropology from California State University, Sacramento, and an M.A. from Chapman University (Sacramento Campus) in Curriculum and Instruction. She has a Secondary Teaching Credential in Spanish, French and Anthropology and has completed her clear credential. She has six years teaching experience.

#138

The candidate teaches Spanish and English language development at Crescenta Valley High School in Glendale Unified School District. She has had previous experience teaching Spanish in grades 7 through 9. She is currently a WASC Visiting Committee Chairperson, has served as a member of the WASC Accreditation Committee for the State, is a National Board for Professional Teaching Standards Trainer/Assessor, and has been a Director, California Foreign Language Project – LA STARS since 2000. In 1998, she was chair of her district’s Curriculum Studies Committee for Foreign Language. The candidate has experience in developing and presenting training sessions for foreign language teachers. The candidate has a B.A. in social studies and Spanish from Immaculate Heart College in Los Angeles, and an M.A. in Teaching English to Speakers of Other Languages from United States International University. She has a Standard Secondary Life Credential and a Bilingual Certificate of Competence – Spanish culture. The candidate has thirty-four years teaching experience and fifteen years experience as a staff development presenter.

#139

The candidate teaches Spanish at Roseville High School in Roseville, and previously taught Spanish and ESL at Henry T. Gunderson High School in San Jose. She has taught Spanish for Native Speakers as well as first and second year Spanish. The candidate reviewed and revised Spanish requirements for W.A.S.C. accreditation, served as the Spanish Club Advisor and was a member of the Digital High School Committee. She has a B.A. in Spanish and International Relations, and holds a Single-Subject Teaching Credential and a CLAD Certificate from National University in San Jose. She has six years teaching experience.

#140

The candidate is a retired teacher with experience teaching mathematics and Spanish at the middle school, high school and college/university level. He served as a member of the Mathematics Framework and Criteria Committee for the State of California in 1997 and 1998. The candidate has published several mathematics publications in Spanish in Peru. He has a B.A. in Secondary Education from Universidad Nacional de Educacion, Lima, Peru, an M.A. in International Development Education from Stanford University, and an M.A. in Computer Education from United States International University, School of Education, San Diego, California. The candidate was a Fulbright Scholar at Columbian University, Teachers College where he pursued graduate studies in mathematics. He has eight years teaching experience in Peru and twelve years teaching experience in the United States.

141

The candidate is a tutor for students in grades 6-12 at the Lasallian Educational Opportunities Center in Oakland, California. Her responsibilities include providing homework help, compiling and correcting worksheets for middle school students, organizing and leading field trips, moderating and assisting with and ACT/SAT preparation course for high school students, assisting with an 8th grade high school placement test-preparation course and moderating a youth group for high school students. The candidate served as a tutor in French and a Teacher's Assistance for a Freshman Writing Skills Course while a student at Saint Mary's University. The candidate recently completed a B.A. in French from Saint Mary's University. While a student, she studied abroad through the University of Minnesota's Global Campus at the Universite Paul Valery in Montpellier, France. She lived with a host family in Montepellier. She is currently an Americorps Volunteer and a Lasallian Volunteer.

142

The candidate is a member of the Board of Trustees of Livermore Valley Joint Unified School District, which serves students in grades K-12. She was first elected to the Board in 1990, and has since been re-elected three times. She has served on an IMAP in Reading Language Arts in 2001, a Mathematics IMAP in 2002, as a History-Social Science IMAP in 1998, and on an Science IMAP in 1999. She has completed two years of study of German at the college level, and one semester of linguistics at the college level. The candidate has an A.B. from Brown University in Providence Rhode Island in Biology, and an M.S. from Purdue University, West Lafayette, Indiana, in Biological Sciences.

#143

The candidate is a parent who previously served as an IMAP member for the AB2519 Reading Language Arts Adoption and the 2002 Reading Language Arts/English Language Development Adoption. She studied Spanish for four years during high school. The candidate has served on the Reading Language Arts Committee to evaluate texts for district adoption in Rowland Unified School District.

144

The candidate is a classroom teacher advisor for Los Angeles Unified School District who develops and presents professional development for teachers pursuing National Board Certification. She works with candidates in the foreign language certification area as well as other areas. She became a National Board Certified Teacher five years ago. Previous experience includes serving as an evaluator for the Los Angeles Educational Partnership's Excellence in Education Award, where she evaluated a team of Spanish language teachers, and several years classroom teaching experience at the primary level. The candidate has studied Chinese and Spanish. She has a Cross-Cultural Bilingual Specialist Credential and recently applied for a CLAD certificate. She has a B.A. in East Asian Studies and Sociology from the University of California, Los Angeles

and an M.A. in Education Administration from California State University, Los Angeles. She has twenty-six years teaching experience.

Cohort 3 IMAP Applicants (#145-#148)

#145

The candidate teaches third grade at El Marino Language School in Culver City Unified School District and Spanish for Adults through the Los Angeles Unified School District. She has also taught second grade in California. Her previous teaching experience includes teaching English to middle school students in Spain, teaching French to adults in Spain, and teaching 4th grade students in Spain. She has had one year experience teaching first grade in Dimbokro, Ivory Coast. She is fluent in English, French and Italian. The candidate has a B.A. in French Language and Literature, from Valencia, Spain, a B.A. in English from Valencia, Spain, an M.A. in Education from Valencia, an M.A. in Teaching Spanish as a Foreign Language from Barcelona, Spain, and a TEFL certificate (Teaching English as a Foreign Language) from the University of California, Los Angeles. She is in the process of completing her Doctoral Dissertation for a Ph.Ed. from Valencia, Spain. The candidate has eighteen years teaching experience in Spain and the United States.

#146

The candidate received her education in Japan, and has served as an English-Japanese translator in a variety of business settings, including interpreting for trade-shows, translating manuals, and serving as an interpreter/translator for various international companies doing business in Japan. She was certified to teach English in Japanese schools and taught English over ten years to students ranging in age 5 to 70. She also taught Japanese to non-Japanese professionals.

147

The candidate recently received a California Preliminary Single Subject Credential in German from California State University, Sacramento (CSUS). She has served as a Chair person and volunteer teacher for the Gifted and Talented Education (GATE) program at Mission Avenue Elementary School in San Juan Unified School district, and developed and taught a German program for pre-Kindergarten through adult for Sacramento Turn Verein, German-American Cultural Center. She is an active member of the California Foreign Language Teachers Association and has attended workshops on the *Foreign Language Framework*.

#148

The candidate teaches Japanese levels 1-4 at Los Alamitos High School in Los Alamitos Unified School District, in Orange County. She has served as a board member for the California Association of Japanese Language Teachers and a team member of the California Foreign Language Project at UC Irvine. She is the Director of the Southeast Japanese Language School in Norwalk. The candidate holds a B.A. in Japanese (Cum Laude) from the University of California, Los Angeles, and an M.A. in Education Administration from California State University, Long Beach. She has both a Single Subject Credential and an Educational Administration Credential. The candidate has nine years teaching experience.

2003 FOREIGN LANGUAGE PRIMARY ADOPTION TIMELINE

(Proposed Revisions to the State Board Adopted Timeline of April 24, 2002)

Dates	Key Events
May 9, 2001	State Board adopts Foreign Language Framework and evaluation criteria
June 2002	Meeting with publishers to review Foreign Language Evaluation Criteria
May-Sept. 2002	Recruit Foreign Language (FL) Instructional Materials Advisory Panel (IMAP) and Language Experts (LE).
November 2002	Commission votes to recommend FL IMAPs and LEs to State Board of Education (SBE)
November 20, 2002	Notification of FL Invitation to Submit Meeting sent to producers and publishers of instructional materials.
December 20, 2002	Deadline for publisher response to Invitation to Submit Meeting (ITS).
December 2002- January 2003	SBE action on IMAP and LE nominees.
January 29, 2003	Invitation to Submit meeting for representatives of publishers/producers.
March 3, 2003	Deadline for receipt by California Department of Education (CDE) of submission CD-ROM, technology requirements, and Publisher's Checklist indicating Alternate Sampling Plan requests (Alternate Sampling Plan is Optional) and summary giving details of planned submission.
March 24-27, 2003	IMAP & LE training and publisher presentations.*
March 28, 2003	Deadline for publishers to request written permission from CDE to sample in other than final form materials
April 10, 2003	Deadline for receipt of instructional resource samples submitted for adoption documentation by all designated evaluation/shipping locations
April 15, 2003	Distribution of requests for price quotations by CDE

* Training was originally scheduled for March 24-28, 2003.

Dates	Key Events
April 2003	Materials on display at Learning Resource Display Centers (LRDCs) throughout the state. Forms for public comment are available at the centers.
May 21-23, 2003	Legal and Social Compliance Review^{**}
June 13, 2003	Distribution of notices of noncompliance with social content requirements to publishers/producers
June 16, 2003	Deadline for receipt by CDE of price quotations, including transportation costs
June 25, 2003	Deadline for publishers/producers to withdraw from the adoption
July 7-10, 2003	Deliberations by LEs and IMAPs
July 14, 2003	Deadline for receipt by CDE of publishers' responses to noncompliance notices (legal compliance)
September 2003	Curriculum Commission Meeting: Public hearings conducted by Subject Matter Committee and full Commission; Commission takes action (Note: Three day Commission Meeting).
Sept-Oct 2003	Required 30-day public display of recommended resources at LRDCs. Forms for public comment are available at the centers.
October 2003	Public notification regarding LRDC public display of recommended resources for adoption
November 2003	Curriculum Commission presents recommendations to State Board of Education (SBE); SBE conducts public hearing (Info/Action)
December 2003	State Board action required to meet primary adoption timeline
Dec-Jan 2003-04	Finalize SBE Report for CDE website
Dec 2003-Jan 2004	Distribution of Price Lists and Order Forms to school Districts
January 2004	Post adoption briefing for all approved publishers
February 2004	Deadline for receipt of final printed resources reflecting legal compliance correction (60 days after SBE action)
February 2004	Deadline for publisher to send materials for Braille Transcription

** The Legal and Social Compliance review will be integrated into the content review conducted by the Language Expert and Instructional Materials Advisory Panels.



FEBRUARY 2003 AGENDA

SUBJECT Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under The Principal Training Program (AB 75)	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education requests State Board of Education approval of LEAs and Consortia members who have submitted applications for funding under The Principal Training Program (AB 75).

The California Department of Education staff recommends that the State Board of Education approve the attached list of LEAs and Consortia applications by name only. Administration of funding is dependent upon further information to be provided by LEAs , such as names of administrator participants, and number of hours in actual training. It is feasible that initial award requests will be amended throughout the three-year funding period.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education approved the Principal Training Program Criteria and Requirements for the approval of training providers at the February 6-7, 2002 meeting.

Summary of Key Issue(s)

The Principal Training Program requires the State Board of Education to approve all program applicants.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

ATTACHMENT 1 – Local Educational Agencies Recommended for State Board of Education Approval

ATTACHMENT 2 – Consortia Members Recommended for State Board of Education Approval

PRINCIPAL TRAINING PROGRAM
Local Educational Agencies Recommended
For
State Board of Education Approval
February 2003

Applications received during the month of December 2002

LOCAL EDUCATIONAL AGENCIES	Total Number of Administrators	Total Amount of State Funding Requested
CONTRA COSTA		
Pittsburg Unified	19	\$57,000.00
HUMBOLDT		
Arcata Elementary	3	\$9,000.00
Cutten Elementary	1	\$3,000.00
McKinleyville Union Elementary	4	\$12,000.00
IMPERIAL		
Meadows Union Elementary	2	\$6,000.00
KINGS		
Delta View Joint Union Elementary	2	\$6,000.00
LOS ANGELES		
Long Beach Unified	18	\$54,000.00
SACRAMENTO		
Grant Joint Union High School District	45	\$135,000.00
SAN MATEO		
East Palo Alto Charter School	4	\$12,000.00
Ravenswood City Elementary	14	\$42,000.00
SANTA CLARA		
San Jose Unified School District	50	\$150,000.00
SONOMA		
Sebastopol Union Elementary	2	\$6,000.00

Total State Funds Requested for February LEA Approval: \$492,000.00

Total Number of LEAs Requested for February Approval: 12

Total Number of Approved Single LEAs to date: 303

Total State Funds Encumbered by Single LEAs to date: \$26,337,000

PRINCIPAL TRAINING PROGRAM

**Consortium Members Recommended
for
State Board of Education Approval
February 20**

CONSORTIUM	Total Number of Consortium Participants	Total Amount of State Funding Requested by Consortium
EL DORADO COUNTY OFFICE OF EDUCATION Gold Trail Union Elementary	61	\$183,000.00
SANTA BARBARA COUNTY OFFICE OF EDUCATION Los Olivos Elementary	60	\$180,000.00

Total Number of Consortiums Participating in the Principal Training Program: 19
 Total Number of New Consortiums Recommended for February Approval: 0
 Total Number of New Consortium Members Recommended for February Approval: 2

Total Number of Single Local Educational Agencies Approved to Participate in Consortiums: 205
 State Funds Approved for Consortiums: \$3,750,000



FEBRUARY 2003 AGENDA

SUBJECT Approval of Training Providers for The Principal Training Program (AB 75)	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education requests the State Board of Education approve the list of training providers for The Principal Training Program (AB 75).

Summary of Previous State Board of Education Discussion and Action

The State Board of Education approved the Principal Training Program Criteria and Requirements for the approval of training providers at the February 6-7, 2002 meeting.

Summary of Key Issue(s)

Local Educational Agencies must use the State Board of Education approved training providers for The Principal Training Program. Principal Training Program curriculum is delivered in three modules. The training includes 80 hours of institute or classroom instruction and 80 hours of practicum.

Module 1 emphasizes the knowledge and actions required to lead and assist teachers in fully implementing the standards-based instructional programs approved by the local school board; and to plan, monitor, and act on assessment data for improving instruction and student achievement.

Module 2 focuses on the elements necessary to align monetary and human resources to appropriate priorities to support and monitor effectiveness of instruction and improvement on student achievement.

Module 3 focuses on technology applications, which link and support Module 1 and Module 2, in addition to serving a key role for process, and system-wide improvements.

Provider applications have been reviewed using the State Board of Education adopted criteria. To date, eleven (11) providers have been approved for Module 1; twenty-seven (27) providers have been approved for Module 2; and twenty-four (24) providers have been approved for Module 3.

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

The Principal Training Program Recommended List of Training Providers will be included in the supplemental mailing.

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: January 23, 2003

**From: Susan Stickel, Deputy Superintendent
Curriculum and Instruction Branch**

Re: ITEM #13

**Subject APPROVAL OF TRAINING PROVIDERS FOR THE PRINCIPAL
TRAINING PROGRAM (AB 75)**

The California Department of Education requests approval of the attached list of Recommended Training Providers for The Principal Training Program (AB 75).

Applications to become a State Board of Education (SBE) approved provider are reviewed using SBE adopted criteria.

ATTACHMENT 1 – Principal Training Program Recommended Training Providers

**PRINCIPAL TRAINING PROGRAM
RECOMMENDED TRAINING PROVIDERS
January 2003**

MODULE 1 – Leadership and Support of Instructional Programs

CCSESA Region IV

Elementary

SRA/McGraw-Hill	SRA/Open Court Reading K-6
SRA/McGraw-Hill	SRA/Reach Program 4-8
Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6

Middle School

SRA/McGraw-Hill	SRA/Reach Program 4-8
McDougal Littell Inc.	Concepts and Skills 6-8

High School

English/Language Arts using: McDougal Littell	Language of Literature, Grade 9
Mathematics using: McDougal Littell	Algebra 1

DataWorks Educational Research

Elementary

Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6
Harcourt School Publishers	Harcourt Math @ 2002

Middle School

McDougal Littell	Reading & Language Arts Program 6-8
Prentice Hall	Prentice Hall Pre-Algebra CA Ed. 7

High School

English/Language Arts using: McDougal Littell	Language of Literature, Grade 9
Mathematics using: McDougal Littell	Algebra 1
Science using: Merrill	Biology, The Dynamics of Life
Social Science using: McGraw-Hill	World History, The Modern Era

Etiwanda School District*Middle School*

McDougal Littell
Prentice Hall

Reading & Language Arts Program 6-8
Prentice Hall Pre-Algebra CA Ed. 7

Imperial County Office of Education*Elementary*

Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy	K-6
SRA/McGraw-Hill	SRA/Open Court Reading	K-6
SRA/McGraw-Hill	SRA/Reach Program	4-8

Middle School

SRA/McGraw-Hill	SRA/Reach Program	4-8
McDougal Littell Inc.	Concepts and Skills	6-8

High School

English/Language Arts using:

McDougal Littell

Language of Literature, Grade 9

Mathematics using:

McDougal Littell

Algebra 1

Madera County Office of Education*Elementary*

Houghton Mifflin Company Houghton Mifflin Reading: A Legacy of Literacy K-6

Orange County Office of Education*Elementary*

Houghton Mifflin Company Houghton Mifflin Reading: A Legacy of Literacy K-6

Riverside County Office of Education*Elementary*

Houghton Mifflin Company Houghton Mifflin Reading: A Legacy of Literacy K-6

Sacramento County Office of Education

Elementary

Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6
Hampton Brown	High Point 4-8 (2 or more grade levels below grade)
SRA/McGraw-Hill	SRA/Reach Program 4-8

Middle School

McDougal Littell	Reading & Language Arts Program 6-8
Prentice Hall	Prentice Hall Literature: Timeless Voices, Timeless Themes 6-8
Hampton Brown	High Point 4-8 (2 or more grade levels below grade)
SRA/McGraw-Hill	SRA/Reach Program 4-8
McDougal Littell Inc.	Concepts and Skills 6-8

San Diego County Office of Education

Elementary

SRA/McGraw-Hill	SRA/Open Court Reading K-6
SRA/McGraw-Hill	SRA/Reach Program 4-8
Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6

Middle School

SRA/McGraw-Hill	SRA/Reach Program 4-8
McDougal Littell Inc.	Concepts and Skills 6-8

High School

English/Language Arts using:	
McDougal Littell	Language of Literature, Grade 9
Mathematics using:	
McDougal Littell	Algebra 1

San Joaquin County Office of Education

Elementary

Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6
SRA/McGraw-Hill	SRA/Open Court Reading K-6

Middle School

SRA/McGraw-Hill	SRA/Reach Program 4-8
McDougal Littell Inc.	Concepts and Skills 6-8

High School

English/Language Arts using:	
McDougal Littell	Language of Literature, Grade 9
Mathematics using:	
McDougal Littell	Algebra 1

Santa Clara County Office of Education*Elementary*

Houghton Mifflin Company Houghton Mifflin Reading: A Legacy of Literacy K-6

High School

Mathematics using:

McDougal Littell Algebra 1

San Bernardino County Office of Education*Elementary*

Houghton Mifflin Company Houghton Mifflin Reading: A Legacy of Literacy K-6

SRA/McGraw-Hill SRA/Open Court Reading K-6

SRA/McGraw-Hill SRA/Reach Program 4-8

Middle School

SRA/McGraw-Hill SRA/Reach Program 4-8

McDougal Littell Inc. Concepts and Skills 6-8

High School

English/Language Arts using:

McDougal Littell Language of Literature, Grade 9

Mathematics using:

McDougal Littell Algebra 1, Concepts and Skills

Stanislaus County Office of Education*Middle School*

McDougal Littell Reading & Language Arts Program 6-8*

**Supplemental instructional materials for approved Module 1 curriculum.*

Ventura County Office of Education*Elementary*

SRA/McGraw-Hill SRA/Open Court Reading K-6

SRA/McGraw-Hill SRA/Reach Program 4-8

Houghton Mifflin Company Houghton Mifflin Reading: A Legacy of Literacy K-6

Middle School

SRA/McGraw-Hill SRA/Reach Program 4-8

McDougal Littell Inc. Concepts and Skills 6-8

High School

English/Language Arts using:

McDougal Littell Language of Literature, Grade 9

Mathematics using:

McDougal Littell Algebra 1

MODULES 1, 2, and 3 – Integrated Curriculum Model

Los Angeles County Office of Education

Elementary

SRA/McGraw-Hill	SRA/Open Court Reading K-6
SRA/McGraw-Hill	SRA/Reach Program 4-8
Hampton Brown	High Point (Reading Intervention for English Learners) Grades 4-8
Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6
Houghton Mifflin Company	Mathematics by Houghton Mifflin K-5
Harcourt School Publishers	Harcourt Math @2002 (With Spanish as Alternative Format) K-6

Middle School

Hampton Brown	High Point (Reading Intervention for English Learners) Grades 4-8
SRA/McGraw-Hill	SRA/Reach Program 4-8
McDougal Littell Inc.	Concepts and Skills 6-8

High School

English/Language Arts using: SRA/McGraw-Hill	SRA/Reach Program 4-8
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Monterey County Office of Education

Elementary

Hampton Brown	High Point (Reading Intervention for English Learners) Grades 4-8
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Middle School

Hampton Brown	High Point (Reading Intervention for English Learners) Grades 4-8
McDougal Littell Inc.	Concepts and Skills Grades 6-8

Placer County Office of Education

Elementary

Houghton Mifflin Company	Mathematics by Houghton Mifflin K-5
SRA/McGraw-Hill	SRA/Open Court Reading K-6

Ventura County Office of Education

Elementary

SRA/McGraw-Hill	SRA/Open Court Reading K-6
SRA/McGraw-Hill	SRA/Reach Program 4-8
Hampton Brown	High Point (Reading Intervention for English Learners) Grades 4-8
Houghton Mifflin Company	Houghton Mifflin Reading: A Legacy of Literacy K-6
Houghton Mifflin Company	Mathematics by Houghton Mifflin K-5
Harcourt School Publishers	Harcourt Math @2002 (With Spanish as Alternative Format) K-6

Middle School

Hampton Brown	High Point (Reading Intervention for English Learners) Grades 4-8
SRA/McGraw-Hill	SRA/Reach Program 4-8
McDougal Littell Inc.	Concepts and Skills 6-8

High School

English/Language Arts using:	
SRA/McGraw-Hill	SRA/Reach Program 4-8

MODULE 3 – Instructional Technology

Etiwanda School District

San Bernardino County Office of Education

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street, Room 5111
 P.O. Box 944272
 Sacramento, CA 94244-2720
 916-319-0827



January 31, 2003

TO: Members, State Board of Education

FR: Deborah Franklin, Education Policy Consultant

RE: Board Staff Recommendation on Item 13: Approval of Training Providers for the Principal Training Program (AB 75)

The Department of Education staff is recommending for approval as AB 75 providers the entities presented in the supplemental agenda materials. State Board staff does not concur with most of the recommendations regarding Module 1. The Board staff recommendations are presented below.

Module 1 and Modules 1, 2, and 3 (Integrated Curriculum Model)

Module 1 of AB 75 training was envisioned as the principal's counterpart to AB 466 teacher professional development, and its goal was to assist principals in their role as curriculum and instructional leaders. State Board staff has been alerted to a number of concerns about Module 1 training under AB 75, primarily its congruency and consistency with AB 466 professional development and the sufficiency of its focus on the adopted instructional materials. To address these concerns, the training materials are undergoing review, reevaluation, and revisions by their authors. All but three of the Department-recommended Module 1 and Module 1, 2 and 3 Integrated Curriculum Model providers are modeled on the training materials that are currently being revised.

RECOMMENDATION: Given this revision effort, State Board staff recommends provisional approval of the following Module 1 and Module 1, 2 and 3 Integrated Curriculum Model providers (which are based on models currently under revision). Final approval would be conditioned on revisions to address concerns with (1) congruency and consistency with AB 466 professional development and (2) sufficiency of focus on the adopted instructional materials. State Board staff recommends that the State Board authorize the Executive Director to certify that the conditions have been met and the provider may be listed as an approved AB 75 Principal Training Provider.

CCSESA Region IV	Riverside COE
Imperial COE	San Diego COE
Los Angeles COE	San Joaquin COE
Madera COE	Santa Clara COE
Monterey COE	San Bernardino COE
Orange COE	Stanislaus COE
Placer COE	Ventura COE

Department staff also recommended approval of three organizations that submitted training materials that are not based on models currently being revised. State Board staff concurs with the approval recommendation for one of those organizations, Sacramento County Office of Education, based on its sufficiency of focus on the adopted instructional materials and congruency and consistency with AB 466 professional development.

State Board staff does not concur with the Department of Education staff on its approval recommendation for Dataworks Educational Research because the training materials lack sufficient focus on the adopted instructional materials and are not congruent or consistent with AB 466 professional development. State Board staff recommends further review of the training materials submitted by Etiwanda School District. Because no additional review of AB 75 applications has been scheduled, Board staff also recommends provisional approval of Etiwanda School District so that it can be revised to fully meet the AB 75 criteria, specifically congruency and consistency with AB 466 professional development and sufficiency of focus on the adopted instructional materials.

RECOMMENDATION: State Board staff recommends (1) approval of the Sacramento County Office of Education as a provider of Module 1 AB 75 Principal Training; (2) disapproval of Dataworks Educational Research as a provider of Module 1 AB 75 Principal Training; and (3) provisional approval of Etiwanda School District as a provider of Module 1 AB 75 Principal Training with final approval conditioned on its congruency and consistency with AB 466 professional development and sufficiency of focus on the adopted instructional materials. State Board staff recommends that the State Board authorize the Executive Director to certify that the conditions have been met and the provider can be listed as an approved AB 75 Principal Training Provider.

Module 3

Board staff concurs with the Department recommendation to approve Etiwanda School District and San Bernardino County Office of Education as providers of AB 75 Module 3 Principal Training.

RECOMMENDATION: Approve the Department staff recommendation to approve Etiwanda School District and San Bernardino County Office of Education as providers of AB 75 Module 3 Principal Training.

Future Board Discussion and Possible Action

State Board staff recommends a review of the current State Board-adopted criteria and guidelines for AB 75 providers to ascertain whether additional guidance for applicants is necessary to clarify the requirements for congruency and consistency with AB 466 professional development and sufficiency of focus on the adopted instructional materials. Department staff and other stakeholders would assist in the review. If additional guidance or clarification is found to be necessary, State Board staff will present a proposal to the State Board.

RECOMMENDATION: Direct State Board staff to work with Department staff and other appropriate stakeholders to review the criteria and guidelines for AB 75 Principal Training providers and, if necessary, propose clarifications or additional guidance.



FEBRUARY 2003 AGENDA

SUBJECT: Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not Limited to, Approval of Training Providers and Training Curricula.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Approve the list of training providers and training curricula for the purposes of providing mathematics and reading professional development under the provisions of the AB 466 Mathematics and Reading Professional Development Program. Take other action as deemed necessary and appropriate.

Summary of Previous State Board of Education Discussion and Action.

At the February 2002 meeting, the Board approved criteria for the approval of training providers and training curricula. The State Board has approved AB 466 training providers and training curricula at previous meetings.

Summary of Key Issue(s).

AB 466 established the Mathematics and Reading Professional Development Program, which provides incentive funding to districts to train teachers, instructional aides, and paraprofessionals in mathematics and reading. Once the providers and their training curricula are determined to have satisfied the State Board approved criteria and been approved by the State Board, local education agencies may contract with the approved providers for AB 466 professional development.

Fiscal Analysis (as appropriate).

N/A

Background Information Attached to this Agenda Item.

A list of recommended providers and curricula will be included in the supplemental mailing or distributed at the State Board meeting.

AB 466 Provider and Training Curriculum Recommended for Approval

The AB 466 Review Panel recommends approval of the following training provider and its training curriculum:

RECOMMENDED AB 466 PROVIDER FOR READING	PROGRAM(S) FOR WHICH TRAINING CURRICULUM IS RECOMMENDED FOR APPROVAL
CORE, Inc.	Houghton Mifflin Reading, K-6



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
California English Language Development Test (CELDT): Including, but not limited to, CELDT Program Update.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Information item only. Submitted as an update on the CELDT Program.

Summary of Previous State Board of Education Discussion and Action

None.

Summary of Key Issue(s)

None.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

None.



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
California High School Exit Examination (CAHSEE): Including, but not limited to, CAHSEE Program Update.	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Information item only. Submitted as an update on the CAHSEE Program.

Summary of Previous State Board of Education Discussion and Action

None.

Summary of Key Issue(s)

None.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

None.



FEBRUARY 2003 AGENDA

SUBJECT Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Adoption of Performance Standards (Levels) for the California Integrated Science Standards Tests.	X	ACTION
	X	INFORMATION
	X	PUBLIC HEARING

Recommendation:

Adopt the Performance Standards (Levels) for the California Integrated Science Standards Tests approved by the State Board of Education (SBE) in January as the standards for reporting performance levels for 2003.

Summary of Previous State Board of Education Discussion and Action

- The SBE approved the development and administration of the Integrated Science Standards Tests at the October 2002 SBE meeting replacing the previous integrated science (EBC, ECP, EBP, BCP) tests.
- At its January 2003 meeting, pending public hearings, SBE approved recommendations for performance standards (levels) for the California Integrated 1, 2, 3, and 4 Science Standards Tests.
- The approved performance standards were distributed for public review and comment at public hearings held between the January and February SBE meetings. A third hearing is being held in Sacramento in conjunction with the February SBE meeting.

Summary of Key Issue(s)

- Regional public hearings are scheduled to provide the opportunity for comments from interested parties concerning the adoption of performance levels for the California Integrated Science Standards Tests. A summary of comments from the first two regional hearings will be gathered and provided by SBE staff. The final hearing is to occur at this month's SBE meeting.
- Results for Spring 2003 discipline-specific science tests will be reported as performance levels.
- The adoption of performance levels for integrated science will permit the California Science Standards Tests to be included in the Academic Performance Index (API) diminishing the reliance on the CAT 6 norm-referenced test.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

Regional Public Hearing Announcement

CALIFORNIA STATE BOARD OF EDUCATION1430 N Street, Room 5111
Sacramento, CA 95814P.O. Box 944272
Sacramento, CA 94244-2720

January 17, 2003

ANNOUNCEMENT OF THREE REGIONAL PUBLIC HEARINGS**California State Board of Education*****Proposed Performance Standards (Levels) For Integrated Science (Grades 9-11)***

To be used in reporting the student performance on the corresponding California Standards Tests to be administered in Spring 2003 and thereafter

<p>Tuesday, January 28, 2003 1:00 p.m. – 2:00 p.m. Bay Area/Coastal Region</p> <p><i>BY TELECONFERENCE</i></p> <p>Santa Clara County Office of Education Gilroy Conference Room 1290 Ridder Park Drive San Jose, CA 95131 (408) 453-6500</p>	<p>Wednesday, January 29, 2003 2:30 p.m. – 3:30 p.m. South/Inland Empire Region</p> <p><i>BY TELECONFERENCE</i></p> <p>Riverside County Office of Education Conference Center, Cree Room 3939 13th Street Riverside, CA 92501 (909) 826-6530</p>	<p>Wednesday, February 5, 2003 2:00 p.m. – As necessary North/Central Valley/Sierra Region</p> <p><i>IN PERSON</i></p> <p>California Department of Education Board Room 1430 N Street, Room 1101 Sacramento, CA 95814 (916) 319-0827</p>
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To: County and District Superintendents
 Other Interested Parties

Background. In 2001, California's Standardized Testing and Reporting (STAR) Program reports, for the first time, included student performance results in English-language arts. Performance standards (levels) relate exclusively to students' scores on the California Standards Tests (CSTs), which are fully aligned to California's rigorous academic content standards. The designations for these performance standards (levels) are Advanced, Proficient, Basic, Below Basic, and Far Below Basic.

In 2002, reporting of student achievement based on these performance standards (levels) was expanded to include the CSTs in history-social science and mathematics and, in part, in science. In addition, the performance standards (levels) in English-language arts were modified at grades four and seven to incorporate students' scores on the direct writing assessment now conducted at those grades.

The State Board of Education is now proposing to adopt performance standards (levels) for the CSTs in Integrated Science, which will be administered to students in grades nine through eleven. The attachment displays the four "cut scores" (minimum number and percentage of correct responses) proposed to establish the performance standards (levels) for these tests.

The regional public hearings are for the purpose of gathering comments from a cross-section of interested parties, including teachers, administrators, school board members and other local elected officials, business leaders, parents, guardians, and students.

Comments and suggestions are sought regarding the proposed “cut scores” (minimum number and percentage of correct responses) on the respective tests that determine students’ performance standards (levels).

Though not technically a part of the performance standards system, the State Board would also be interested in comments regarding its continuing commitments to the following:

- The specification that the objective of our education system is for all students to achieve at or above the Proficient performance standard (level).
- The specification that the “cut scores” are to be re-evaluated after the 2007 STAR administration of the California Standards Tests to determine the feasibility of raising the performance standards (levels).

The regional public hearings at the Santa Clara County Office of Education and the Riverside County Office of Education – to be conducted by teleconference – will be relatively informal (dates indicated above). The State Board of Education has delegated responsibility for conducting these hearings to key executive staff of the State Board and of the California Department of Education. They will be prepared to accept public comments and input on a continuous basis during the specified times. Individuals are not required to pre-arrange a specific time to present their comments. Oral comments will be accepted as individuals arrive. Some delays may occur if many individuals arrive at the same time, and patience in that event will be appreciated.

The third and final regional hearing will be conducted in Sacramento (date noted above) in conjunction with the State Board’s February 2003 meeting. It will begin as soon after 2:00 p.m. as the business of State Board permits, but will be only as long as necessary to hear from those wishing to testify orally at that time.

Individuals need not come to one of the regional public hearings to present their comments. The State Board would be delighted to receive comments by mail, e-mail, or fax. To allow time for copying, written submissions to be distributed to the State Board members need to be received at the State Board Office no later than Friday, January 31, 2003.

California State Board of Education

BY MAIL	BY E-MAIL	BY FAX
1430 N Street, Room 5111 Sacramento, CA 95814	ggeeting@cde.ca.gov	(916) 319-0175

If you have any questions regarding these regional public hearings, please contact Greg Geeting, Assistant Executive Director, State Board of Education, at (916) 319-0827.

Please help us publicize these regional public hearings!

California State Board of Education
Proposed Performance Standards (Levels) for Integrated Science
(California Standards Tests for Integrated Science, Grades 9-11)

To be used in reporting the results of these tests in Spring 2003 and thereafter

Typically, the column identified as “% Students” would indicate the number of students statewide who are projected to achieve each performance standard (level) on the integrated science tests to be administered in Spring 2003. However, given that these are new tests, no projections of percentages of students are provided. In lieu of those projections, comparison information – students’ actual performance on the discipline-specific and integrated science tests given in 2002 – is provided on the following table.

California Standards Test	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items
Integrated 1		<19	N/A		19	32%		25	42%		39	65%		49	82%
Integrated 2		<18	N/A		18	30%		24	40%		38	63%		48	80%
Integrated 3		<18	N/A		18	30%		24	40%		38	63%		49	82%
Integrated 4		<19	N/A		19	32%		25	42%		40	67%		50	83%

Advanced	Advanced performance with respect to the California Science Content Standards
Proficient	Proficient performance with respect to the California Science Content Standards
Basic	Basic performance with respect to the California Science Content Standards
Below Basic	Below-basic performance with respect to the California Science Content Standards
Far Below Basic	Far-below-basic performance with respect to the California Science Content Standards

% Students	See note above.
# Correct	Minimum number of correct responses needed to achieve this performance standard (level).
% Items	Minimum percent of correct responses needed to achieve this performance standard (level).

EXAMPLES OF HOW TO READ THIS CHART: For the Integrated 1 California Standards Test in Science, correct responses to fewer than 19 test items (or less than 32% correct responses) would be designated as Far Below Basic. For the Integrated 2 California Standards Test in Science, correct responses to at least 48 test items (or 80% correct responses) would be designated as Advanced.

- The objective of our school system is to have all students achieve at or above the Proficient performance standard (level).
- The State Board of Education is to re-evaluate the performance standards (levels) following the 2007 administration of the California Standards Tests to determine the feasibility of raising the performance standards (levels).

FOR COMPARISON PURPOSES ONLY THE FOLLOWING INFORMATION IS PROVIDED REGARDING STUDENTS' ACTUAL PERFORMANCE ON THE 2002 CALIFORNIA STANDARDS TESTS IN SCIENCE

Student Performance on the California Standards Tests in Discipline-Specific Science Subjects, as Administered in 2002

California Standards Test	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items
Earth Science	25%	<19	N/A	25%	19	32%	34%	26	43%	13%	40	67%	3%	50	83%
Biology	6%	<17	N/A	14%	17	28%	43%	23	38%	27%	37	62%	10%	48	80%
Chemistry	10%	<19	N/A	20%	19	32%	45%	25	42%	18%	39	65%	7%	49	82%
Physics	15%	<19	N/A	20%	19	32%	39%	25	42%	20%	39	65%	7%	49	82%

Student Performance on the California Standards Tests in Integrated Science, as Administered in 2002

[The cut scores in this table were constructed based upon the discipline-specific performance standards (levels).]

California Standards Test	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items	% Students	# Correct	% Items
Earth/Biology/Chemistry	28%	<19	N/A	32%	19	32%	33%	25	42%	6%	39	65%	1%	49	82%
Earth/Chemistry/Physics	22%	<18	N/A	35%	18	30%	40%	24	40%	3%	38	63%	0%	48	80%
Earth/Biology/Physics	16%	<18	N/A	31%	18	30%	43%	24	40%	10%	38	63%	0%	49	82%
Biology/Chemistry/Physics	35%	<19	N/A	40%	19	32%	21%	26	43%	2%	40	67%	0%	50	83%

Advanced	Advanced performance with respect to the California Science Content Standards
Proficient	Proficient performance with respect to the California Science Content Standards
Basic	Basic performance with respect to the California Science Content Standards
Below Basic	Below-basic performance with respect to the California Science Content Standards
Far Below Basic	Far-below-basic performance with respect to the California Science Content Standards

% Students	The percent of students statewide who actually achieved this performance standard (level) on the tests in Spring 2002. In the case of the integrated science tests, the performance standard (level) cut scores were based on the discipline-specific performance standards (levels).
# Correct	Minimum number of correct responses needed to achieve this performance standard (level).
% Items	Minimum percent of correct responses needed to achieve this performance standard (level).

EXAMPLES OF HOW TO READ THIS CHART: For the California Standards Test in Earth Science, correct responses to fewer than 19 test items (or less than 32% correct responses) resulted in a designation of Far Below Basic, and 25% of the student who took the test achieved at that performance standard (level). For the California Standards Test in Integrated Earth/Biology/Chemistry, correct responses to at least 49 test items (or 82% correct responses) would have been designated as Advanced in relation to constructed performance standard (level) designations based on the designations applicable to the discipline-specific tests.

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272
 Sacramento, CA 94244-2720
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February 3, 2003

To: Members, State Board of Education

From: Greg Geeting, Assistant Executive Director

Subject: Item 17, February 2003 Agenda
 Regional Public Hearings on Performance Standards (Levels) for the
 California Standards Tests in Integrated Science

Per the State Board's authorization, Phil Spears, Director of the CDE's Standards and Assessment Division, and I conducted (via videoconference) two regional public hearings on the proposed performance standards (levels) for integrated science. We also received several e-mail messages with comments.

Three individuals were present at each of the regional public hearings:

January 28, 2003 <u>Santa Clara County Office of Education</u>	January 29, 2003 <u>Riverside County Office of Education</u>
Dale Russell, Director of Standards and Assessment, SCCOE Sandra Ruehlow, Science Coordinator, SCCOE Laura Kinley, Director of Media Services, SCCOE	Nancy Pavelsky, Science Coordinator (RCOE) Tom Barrett, Director of Assessment, RCOE Joy Peoples, Instructional Services Specialist, Riverside Unified SD

No one who participated in the regional public hearings or submitted comments by e-mail took issue specifically with the proposed performance standards (levels), i.e., suggested higher or lower cut scores. One comment (as noted below) took issue with the specification of "proficient" as being the objective of our education system and the commitment to re-evaluate the "cut scores" following the 2007 STAR administration to study the feasibility of raising them. For the most part, the comments and discussion concerned the revised integrated science CSTs, state testing and accountability in general, the weight of science tests in the API, and the NCLB requirement for core knowledge tests in science at selected grades.

Some of the key points made were as follows:

- Although committed to the concept of integrated science, we have had great difficulty in finding teachers with substantial qualifications in all of the content areas. We have also

had difficulty finding instructional materials for integrated science courses that are consistent with the state's content standards in all of the disciplines. We find it necessary to use several different texts which is cumbersome for teachers and students.

- We are studying the possibility of developing a standards-based earth science course for entering freshmen, then having them proceed to discipline-based courses in biology, chemistry, and/or physics. This would be an alternative to our two-year integrated science course. We believe there may be advantages to staying focused on a discipline rather than “hopping around” among the disciplines during the same instructional year.
- Lowering the contribution of science to the high school API is understandable as a temporary measure given the circumstances. However, the State Board should proceed as quickly as possible (next year if at all possible) to incorporate the results of the discipline-based and integrated science CSTs in the base API. Keeping the API contribution of science at a reduced level for too long sends the wrong message.
- The revised integrated science tests are frustrating in that we had worked long and hard to align our integrated (physical) science course for freshmen to match the initial earth/chemistry/physics integrated science test. We did that because we wanted a substantive, laboratory science course for freshmen focusing on physical sciences. None of the new integrated tests fits our course.
- The State Board should reinstate some integrated science test that does not include biology/life science.
- Test scores (in general) are not valid, because students have no reason to do their best. Until there are proper incentives, the scores are a fraud.
- The “proficient” level is unreasonable, and the idea of raising cut scores after 2007 is absurd.
- This effort puts the cart (performance standards for integrated science) before the horse (solid instructional materials and appropriate teacher credentialing for integrated science).
- It is important for all CSTs to publish exemplars that show the types of questions students must answer correctly around each transition point (i.e., the types of questions that mean the difference between below basic and basic, between basic and proficient, and between proficient and advanced). The State Board should establish a specific schedule for publication of the exemplars.

Cc: CDE Executive Staff



FEBRUARY 2003 AGENDA

SUBJECT California K-12 Education Technology Master Plan		ACTION
	X	INFORMATION
		PUBLIC HEARING

Recommendation:

The Commission on Technology in Learning’s *California K-12 Education Technology Master Plan* is presented for information only.

Summary of Previous State Board of Education Discussion and Action

None

Summary of Key Issue(s)

The Commission on Technology in Learning was established by AB 598 (Soto) as an advisory body to the State Board to make policy recommendations to the State Board of Education in areas including, but not necessarily limited to: (1) statewide planning for technology, (2) dissemination of technology resources, and (3) ongoing comprehensive statewide evaluation of technology, telecommunications, and distance learning. The Commission developed the attached document prior to sunseting on January 1, 2003.

The law required the Commission to recommend to the State Board guidelines for the preparation of three-to-five year district education technology plans, and in January 2001 the Board adopted the Commission’s *Education Technology Planning: A Guide for School Districts*.

The *California K-12 Education Technology Master Plan* is the second document developed by the Commission for submission to the State Board under the provisions of AB 598. The Commission held its first meeting focused on updating the Master Plan in June of 2001. The Commission held a number of summits focused on key questions/topics, including public comment opportunities at all meetings and public hearings at both the northern and southern CUE (Computer Using Educators) conferences to obtain comments on the draft document. The draft has been revised to reflect input received. Staff from the CDE Education Technology Office provided staff support to the Commission. Dr. Richard Navarro, Chair of the Commission, will attend the Board meeting to answer any questions the Board might have on the recommendations in this document.

The *California K-12 Education Technology Master Plan* is presented for the Board’s consideration as information only. The purpose of the Master Plan is to provide a vision for the state on how to effectively use and support education technology to improve student achievement of the Academic Content Standards. The Master Plan sets state level goals and benchmarks for education technology integration by the year 2007. The Master Plan includes 25 recommended actions that support technology use goals in three areas: 1) Curriculum, Instruction, and Assessment; 2) Professional Development; and 3) Infrastructure:

Fiscal Analysis (as appropriate)

None

Attachment(s)

1. Commission on Technology in Learning's *California K-12 Education Technology Master Plan*

DRAFT DOCUMENT

California K-12 Education Technology Master Plan

Developed by the
Commission on Technology in Learning

Approved by the
Commission on Technology in Learning
on December 13, 2002 for submission to the
California State Board of Education
in February 2003

[Copyright page]

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Table of Contents

1		
2		
3		
4	Acknowledgments	2
5		
6	Executive Summary	5
7		
8	Recommended Actions	7
9		
10	Vision for California: Closing the Gaps	10
11		
12	Nature and Purpose of the Education Technology Master Plan	11
13		
14	Progress Towards the 1996 Plan: <i>Connect, Compute, and Compete</i>	11
15		
16	Looking Forward	14
17		
18	Goals and Recommendations	16
19		
20	Curriculum, Instruction, and Assessment: Ubiquitous Technology and Mastery	
21	of Academic Standards	16
22		
23	Professional Development: Systemic Reforms and Continuous Improvement	19
24		
25	Infrastructure: Ubiquity, Sustainability, and Dynamic Design	22
26		
27	Appendices	
28		
29	Appendix I: Definitions of terms used in plan	26
30		
31	Appendix II: Technology Integration Performance Index (TIPI)	28
32		
33	Appendix III: National Center for Education Statistics (NCES) Technology in Schools:	
34	Suggestions, Tools, and Guidelines for Assessing Technology in Elementary and	
35	Secondary Education (November 2002)	29
36		
37	Appendix IV: CEO Forum K-12 School Technology and Readiness (StaR) and Teacher	
38	Preparation StaR Charts	29
39		
40	Appendix V: Information literacy skills/English-Language Arts Standards	29
41		
42	Appendix VI: ISTE National Education Technology Standards (NETS)	29
43		
44	Appendix VII: Current statewide technology resources	30
45		
46	References	32

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Executive Summary

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An aspiring teacher once told me, “I want to teach because I want to touch the future everyday.” She knew what many prefer to ignore; that our future is dependent upon the quality of our educational system and how well prepared our children are to become adults and be productive, contributing citizens. While we succeed in ensuring a promising future for some, we are failing far too many.

The Commission for Technology in Learning was created out of this concern for closing the achievement gap and providing access for all children to the knowledge and skills required to sustain the growth and prosperity we have come to expect as Californians. AB 598, Soto carried a clear message, technology is basic to a 21st Century educational system, and **all** our children should have access to it. The Commission began first with the development of Technology Planning Guidelines for School Districts. These guidelines prepared with extensive input from state, county and district administrators and technology planning experts provide a rubric for assessing and planning for continually increasing the role of technology in schools. Next, the Commission turned its attention to articulating a vision of education in California in which improving student achievement is intertwined with the growing significance of integrating technology in the teaching and learning process, as well as the administration of schools.

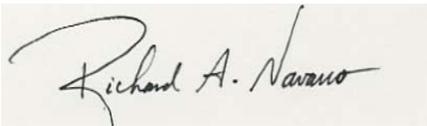
The proposed Master Plan was guided by five principles. First, that educational technology is both a **tool** for overcoming many of the barriers to learning, particularly among our most challenging educational conditions (i.e., poverty, limited English proficiency, before and after-school activities, literacy and numeracy, limited resources, etc.); AND, that educational technology is a **skill** required for full participation in the workforce and society.

Second, that technology provides an unprecedented opportunity to completely **redefine the learning environment** for all children and adults, inside of school and beyond. Third, that to realize its potential, the technology **must work** and **it has to be accessible anytime, anywhere, for all users**. Fourth, that achieving these goals is not just the responsibility of governments, but **the responsibility of all citizens**. The private sector has a particular interest in the success of this endeavor because our success (or failure) will determine the **productivity of our future workforce**. And society has an intrinsic interest in the changes proposed because the productivity of its citizens will have a direct effect on the **quality of life for future generations**.

And, fifth, that there is a general consensus that our children require **more powerful learning opportunities to achieve high standards of knowledge and skills**, to be prepared to assume the mantle of leadership in tomorrow’s fiercely competitive global society.

Therefore, we have proposed a Master Plan that will catalyze those actions, which we believe, will help to “tip” the educational system in the direction of harnessing the power we believe exists in technology for the benefit of all our children and society as a whole. Society is slow to catch up with the pace of technological innovation; it is our hope that this Master Plan will contribute to accelerating that process.

218 This Master Plan is the result of countless hours of deliberation, debate, and compromise among
219 a very committed group of Commissioners, Department of Education staff, consultants, and
220 many other professionals from both the public and private sectors who care deeply about
221 children and are passionate about the promise of technology for lifting the ceiling on learning.
222 Much of this deliberation occurred in less than ideal circumstances. But, as the State's economy
223 worsened and the resources to support the Commission's work became scarcer, the
224 determination of the Commissioners to complete the task without compromising in the quality or
225 integrity of the plan was strengthened. Fortunately, we were blessed with an equally hard
226 working staff in the California Department of Education, and an extremely talented team of
227 consultants. While the ideas and recommendations are those of the Commissioners, the
228 harmonic prose is the teamwork of Drs. Lara Brown and Christina Dehler. Personally, I have
229 been honored to have had the privilege of working with such an excellent team. If we can claim
230 any inspiration for this plan, it is our collective respect and admiration for the tens of thousands
231 of educators who touch our future everyday. As Californians, we dedicate this Master Plan to
232 the future--California's children.
233

A handwritten signature in black ink on a light-colored background. The signature reads "Richard A. Navarro" in a cursive, flowing script.

234
235 Richard A. Navarro, Ph.D.
236 Chair

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The Commission on Technology in Learning
Recommended Actions

1. The State should study, identify and determine multiple measures for a Technology Integration Performance Index (TIPI) and develop appropriate methods for the collection, analysis, and publishing of the TIPI in the Annual School Accountability Report.
2. The State should use the TIPI to develop incentives and allocate resources to districts and schools to help them achieve ubiquitous access to rigorous and effective digital content to meet the diverse learning needs of all students.
3. The State should continue to support, expand, and coordinate technology resources such as, the Digital California Project (DCP) and California Learning Resources Network (CLRN), to gather and promote access to rigorous and effective digital content.
4. The State Board of Education should revise the K-8 Instructional Materials Adoption process to provide for a more in-depth review of each Electronic Learning Resources (ELR) submitted for adoption, including an assessment of the rigor and effectiveness of the resource. To help educators take advantage of appropriate technology, review results should identify the specific standard(s) addressed by each separate ELR, be posted on the CLRN website, and be searchable by the academic content standards addressed by each resource.
5. The State should provide incentives to business and industry to develop rigorous and effective digital content in curriculum, instruction, and assessment that are aligned to State Academic Content Standards and take advantage of appropriate technology.
6. The State should provide incentives to districts and schools to integrate rigorous and effective digital content in curriculum, instruction, and assessment that are aligned to State Academic Content Standards and take advantage of appropriate technology.
7. The State should develop information and technology literacy standards for all students at every grade level, and as an interim step, may consider the adoption of the International Society for Teacher Education (ISTE) National Education Technology Standards (NETS).
8. The State should provide incentives to establish and sustain high-quality partnerships and annually recognize exemplary partnerships that develop students' information and technology literacy.
9. The State should use the TIPI to develop incentives and allocate resources to districts and schools to help them achieve ubiquitous access to rigorous and effective systemic professional development that promotes the integration of technology in education.
10. The State should provide incentives to districts and schools to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology in education.

- 283
284 11. The State should provide incentives to business and industry to foster and sustain rigorous
285 and effective systemic professional development that promotes the integration of technology
286 with their education products.
287
- 288 12. The State should use technology and statewide technology resources to foster and sustain
289 rigorous and effective systemic professional development that promotes the integration of
290 technology in education.
291
- 292 13. The State should provide incentives that fairly compensate educators who show leadership by
293 developing technology innovations and transfer the intellectual property rights to the State,
294 thereby, placing the innovations in the public domain.
295
- 296 14. The State should provide incentives to enhance K-12 collaboration with higher education,
297 business and industry, nonprofits and community-based organizations to use technology
298 across the professional development continuum (teacher education through accomplished
299 teaching).
300
- 301 15. The State should provide incentives to districts and schools that encourage educators to use
302 data to inform reflective practice and guide continuous improvement; and frequently publish
303 those exemplary applications of data-driven decision-making.
304
- 305 16. The State should provide incentives to high-quality partnerships and annually recognize
306 exemplary partnerships that deliver professional development focused on reflective practice
307 and continuous improvement.
308
- 309 17. The State should use the TIPI to develop incentives and allocate resources to districts and
310 schools to help them achieve ubiquitous access for all students and educators.
311
- 312 18. The State should explore providing learning opportunities that use technology to promote
313 State Academic Content Standards and qualify for average daily attendance (ADA) funding,
314 allowing for greater flexibility with categorical funding and resources.
315
- 316 19. The State should require districts and schools to incorporate the total cost of ownership
317 model as a prerequisite to receiving new educational technology funding.
318
- 319 20. The State should be required to review and update the District Planning Guidelines as
320 necessary.
321
- 322 21. The State should provide incentives to high-quality partnerships and annually recognize
323 exemplary partnerships that foster innovation and sustain technology acquisition and
324 integration.
325
- 326 22. The State should develop incentives that promote the coordination of existing education
327 policy and resources for technology acquisition and integration.
328

- 329 23. The State should encourage local flexibility to allow categorical funds and Lottery funds to
 330 be used for technology acquisition and integration.
 331
- 332 24. The State should provide support and assistance to districts and schools to help them collect
 333 and use data to make better-informed decisions.
 334
- 335 25. The State should use technology to coordinate state efforts to collect, secure, analyze, plan,
 336 and annually publish data related to technology integration and its impact on district, school,
 337 and student improvement.
 338

<u><i>Closing the Gaps Matrix</i></u>	<u>Curriculum, Instruction, & Assessment</u>	<u>Professional Development</u>	<u>Infrastructure</u>
Ubiquitous Access	1, 2	1, 9	1, 17
Educational Technology	1, 3, 4, 5	1, 10, 11, 12, 13, 14, 15, 16	1, 18, 19, 20, 21, 22, 23, 24, 25
Technology Integration	1, 6, 7, 8	1, 10, 11, 12, 13, 14, 15, 16	1, 18, 19, 20, 21, 22, 23, 24, 25

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349 **Vision for California: Closing the Gaps**

350
351 *Closing the gaps in access to technology that enhance and enable teaching, learning and*
352 *leadership, will help all students achieve mastery of the State Academic Content Standards*
353 *throughout California, providing students a future of choices and a choice of futures.*
354

355 California’s global economic future increasingly depends on California’s educational system.
356 California currently ranks as the world’s fifth largest economy, yet despite significant interest
357 and improvement in recent years, California’s K-12 educational system still ranks below
358 most other states on key educational benchmarks including, spending and student
359 achievement.¹
360

361 The Commission on Technology in Learning (CTL) recognizes the need for California’s
362 educational system to improve, and it is the hope of the CTL that the recommendations in
363 this report will ensure that **technology** is systemically integrated into all levels of education.
364 The CTL believes that California has the opportunity to reemerge as a national educational
365 leader by investing in our schools and working with educators² to integrate the technologies
366 that will enhance and enable teaching, learning, pedagogy, and school management.
367

368 Education continues to be an issue of concern and a high investment priority for
369 Californians.³ The CTL believes that educational technology policy initiatives and funding
370 at the state level should be aligned to recognize student achievement, educational leadership,
371 and school improvement. Moreover, these initiatives and funding allocations should be
372 designed to provide consistency, stability, and transparency to educators and the public. The
373 policy environment at the state level must facilitate the ability of educators at both districts
374 and schools to use technology to ensure that all students achieve mastery of the State
375 Academic Content Standards at every grade level. The Commission recognizes that these
376 educational goals cannot be achieved through state action and support alone. Thus, the CTL
377 calls on those from higher education, business and industry, and nonprofit and community
378 organizations to assist educators and policymakers to improve and further **technology**
379 **integration** in California schools.⁴
380

381 The Commission on Technology in Learning believes that educational technology, equitably
382 distributed and appropriately applied, enhances and enables student learning, innovative
383 teaching, professional development, school management, **data-driven decision-making**, and
384 collaboration across the education spectrum.
385
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¹ Howell, Penny and Miller, Barbara. 2001. “How California Ranks: A Comparison of Education Expenditures,” *EdSource*, October issue, p. 1-8.

² Refers to all teachers, administrators, and school staff. This is in keeping with the organizational learning literature that discusses the importance of everyone involved in a system (Senge, 2000).

³ (Find & Cite public opinion poll to support this statement)

⁴ Throughout the document, key terms will be highlighted and defined in Appendix I.

389 **Nature and Purpose of the Education Technology Master Plan**
390

391 The purpose of the Education Technology Master Plan is to provide a vision for the state on how
392 to effectively use and support educational technology to improve student achievement, close the
393 gaps in access to educational technology, and move California schools to at least parity with or
394 exceed the level of technology integration in other states.
395

396 The Education Technology Master Plan sets forth goals and recommendations for state
397 policymakers to help educators attain higher levels of educational technology integration by the
398 year 2008. Achieving higher levels of educational technology integration will close the gaps in
399 access to improved curriculum, instruction, and assessment; professional development; and
400 infrastructure statewide.
401
402

403 **Progress Towards the 1996 Plan: Connect, Compute, and Compete**
404

405 Progress has been made towards the goals of the 1996 California Education Technology Master
406 Plan (*Connect, Compute, and Compete*). The 1996 Plan was intended to assess the current state
407 of technological readiness in California's classrooms and libraries and to serve as a blueprint for
408 action. It recommended building the technology capacity in California's schools, so that by the
409 year 2000, California would have met the following objectives:
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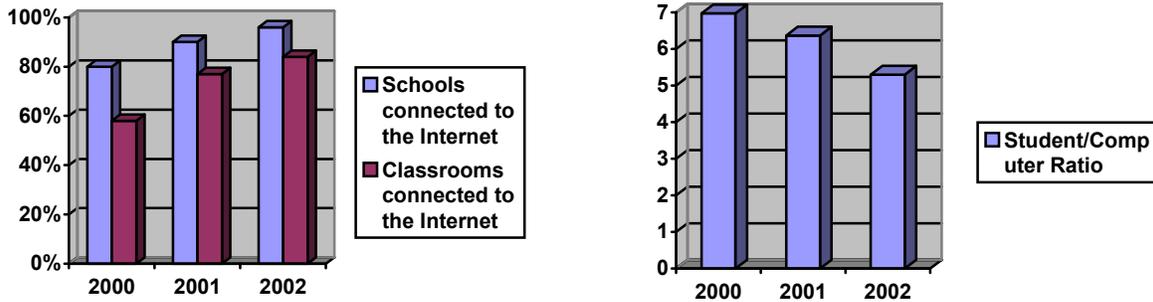
- 411 • A student-to-computer ratio of four to one;
- 412 • Telecommunications access for students in every classroom and library;
- 413 • Technology as an integral resource for all students and teachers; and
- 414 • Reading and math scores above the 50th percentile nationally.
415

416 Despite significant effort and commitment, at both the State and regional levels, the lack of
417 overall educational technology funding, and the lack of priority educational technology has
418 received relative to other educational needs among state policymakers have been the primary
419 impediments to reaching the 1996 objectives. The current economic downturn continues to
420 adversely affect the state's progress because of the high-cost nature of educational technology
421 integration into curriculum and assessment, including the need for professional development and
422 hardware acquisition. In addition, many schools in California have complex infrastructure
423 needs, including those related to telecommunications and electrical requirements, which have
424 also served as impediments to the successful implementation of the educational technology goals
425 set forth in 1996.
426

427 While the educational technology goals set in 1996 have not yet been achieved, the gains have
428 been impressive, especially with respect to the ratio of students to computers and Internet access
429 in classrooms. The California Technology Assistance Project (CTAP) *Summary of Year 2002*
430 *School Technology Survey Findings: California Statewide Report*, found that 96% of schools
431 were connected to the Internet in 2002, and that telecommunication access in the classroom has
432 broadened across the state with the average school providing connections to the Internet in 84%
433 of its classrooms (up from 58% two years earlier). Additionally, the student-to-computer ratio (a
434 common measurement of student access to computers) has made steady improvement, declining

435 to a ratio of 5.3 to one in 2002. Another measurement of student access to technology is the ratio
 436 of students-to-multimedia computers (which include computers with internet access capability).
 437 During 2002, this ratio was 9.10 to one; however, because the definition for multimedia
 438 computers changed in 2002 for purposes of the survey, reliable trend data is not available.
 439

440 **Connectivity & Access**



441
 442 With recent efforts at the state level to fund the implementation of comprehensive technology
 443 programs, such as the Digital High School Program, California schools have made significant
 444 gains in connectivity and access to technology. High schools reportedly provide students with
 445 access to more technology than at the other grade levels, with 99% of high schools in the state
 446 connected to the Internet, 94% of their classrooms connected, and a student to computer ratio of
 447 4.1 to one. It is only through sustained, ongoing efforts such as the Digital High School Program
 448 that effective technology integration can take place.
 449

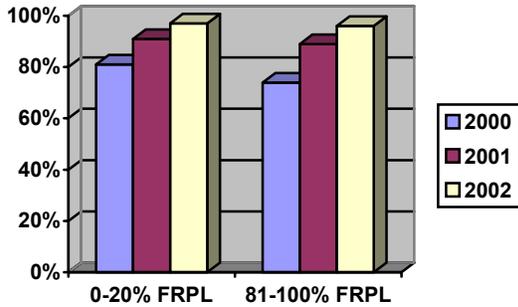
450 Conversely, the survey findings provide a clearer picture of how well technology in our schools
 451 is supported at the district and site levels. Survey results indicate that although schools are
 452 acquiring more computers and high-speed connections to the Internet, there is a clear lack of
 453 personnel to provide technical support and training to help teachers integrate educational
 454 technology with instruction. In 2002, 62% of schools had no certificated personnel to provide
 455 technical support and 45% of schools had no classified personnel to provide technical support.
 456 Additionally, 33% of schools had to wait more than a week (but less than a month) for hardware
 457 repairs, making it more difficult to utilize technology on a regular basis for instruction. Support
 458 and training for the integration of computer technology into daily lesson planning has emerged as
 459 a critical area in recent years. In 2002, 50% of schools had no certificated staff at the school site
 460 to provide the necessary curriculum support.
 461

462 All students should have access to state of the art technology and rigorous and effective **digital**
 463 **content**. Although the “digital divide” gap is closing, California schools still struggle with
 464 digital inequities. Despite the state’s efforts, students living in poverty continue to have less
 465 access to better technology. Survey results indicate that students attending the “richest” schools
 466 in California (those with the lowest poverty levels) have a student-to-computer ratio of 4.74, as
 467 compared to a ratio of 6.13 for the poorest schools (those with the highest levels of poverty).
 468 Also, schools with high poverty levels reported fewer classrooms connected to the Internet
 469 (80%) as compared to schools with low poverty levels (93%).

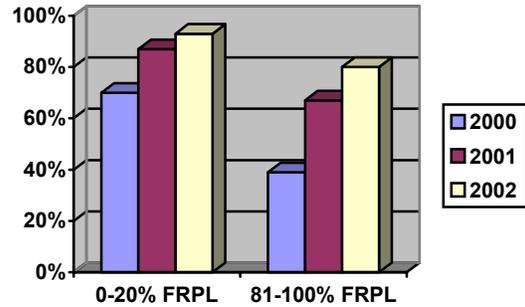
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Connectivity & Access by Measures of Poverty – Free and Reduced Priced Lunch (FRPL)

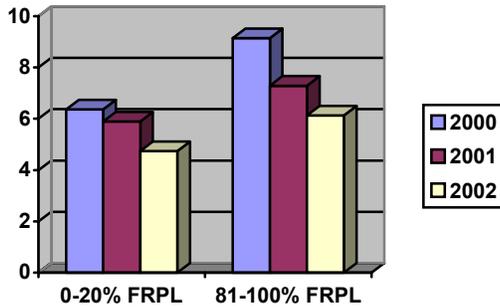
Schools Connected to the Internet



Classrooms Connected to the Internet



Student to Computer Ratio



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Federal educational technology programs, such as the E-rate program and the Technology Literacy Challenge Grant Program, have made efforts to target high poverty schools and the data shows marked improvements in access and connectivity in even the poorest schools as compared to two years ago. In the last two years, the number of high poverty schools connected to the Internet increased from 74% to 96%, which almost equals the same percentage as for the “richest” schools (97% in 2002). Also, the number of classrooms connected to the Internet for the poorest schools, made significant gains, increasing from 39% to 80%.

As California plans for the future, policymakers must recognize the technology investment that the state has made in our schools and understand that the recommendations in this report aim to maximize that investment by putting the power of technology into the hands of all teachers, students, and administrators.

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Looking Forward

The Commission on Technology in Learning is committed to the integration of technology in education to enable and enhance the ability of educators at both the district and school site to improve student achievement.

Recognizing that technology will change over the next five years, the CTL encourages the state to support local flexibility in the integration of technology. It is important to allow educators flexibility to ensure that technology is used appropriately to meet the needs of all students. The CTL believes that the state must consistently support and align education policy to promote the integration of technology throughout California.

In recent years, California passed legislation that has furthered the integration of technology in education. Programs such as, Digital High Schools, have benefited students throughout California and should continue to be supported by policymakers. Current statewide technology resources such as the Digital California Project (DCP), California Student Information System (CSIS), California Learning Resource Network (CLRN), California Technology Assistance Project (CTAP), Technology Information Center for Administrative Leadership (TICAL), Technical Support for Education Technology in Schools (TechSETS), and the California Teacher Technology Assessment Project CTAP^{2 5}, have also played a significant role in California’s technology integration and need to continue to be supported and expanded to better serve the needs of the districts, schools, and educators throughout the state.

The Commission on Technology in Learning recommends that the state continue to develop the possibilities of the Digital California Project to ensure the availability of the network to all schools and to realize effective uses for the newly completed network (multi-dimensional aspect). The Commission also recommends that the state focuses on the coordination and efficient use of resources and explores the possibilities for furthering data-driven decision-making processes at all levels. Consistency and alignment of policy and funding at the state and local levels are critical for California to improve educational technology integration to assist all students in achieving California’s State Academic Content Standards.

The Commission on Technology in Learning gathered⁶ case studies to demonstrate the variety of ways technology is integrated in education to improve curriculum, instruction, assessment, professional development, and school management.

- ***Ubiquitous Access***
Closing the gaps in access to educational technology for students and educators will help all students achieve the State Academic Content Standards. Ubiquitous access will ensure that student and educator work is neither impeded, nor restricted to the school or district site. Districts and

⁵ These statewide technology resources are defined in Appendix VII.

⁶ The California Department of Education’s Technology Office distributed a “Call for Case Studies” to the CTAP Regional Directors and solicited information from projects discussed during the Commission Meetings.

530 schools have approached providing ubiquitous access differently in their local
531 communities, for example:

532
533 *Case Studies to be Inserted Here*

534
535
536 • ***Curriculum, Instruction, and Assessment***

537 Closing the gaps in access to rigorous and effective digital content will help
538 all students and educators to be both users and producers of academic content
539 and innovative curriculum and assessment, furthering efforts to ensure that all
540 students achieve State Academic Content Standards. Districts and schools
541 have created and utilized an assortment of rigorous and effective digital
542 content ranging from commercial software to educator developed materials,
543 for example:

544
545 *Case Studies to be Inserted Here*

546
547 • ***Professional Development***

548 Closing the gaps in access to systemic professional development will ensure
549 the integration of educational technology into curriculum, pedagogy, and
550 school management. Districts and schools have developed different programs
551 for delivering technology training, for example:

552
553 *Case Studies to be Inserted Here*

554
555 • ***School Management***

556 Closing the gaps in access to professional development focused on school
557 management and educational technology integration; to district, school, and
558 student data; and to the educational technology that facilitates procedures and
559 processes, and provides analytical feedback will ensure effective and efficient
560 school management. Districts and schools have addressed improving school
561 management differently, for example:

562
563 *Case Studies to be Inserted Here*

564
565 • ***Assistive Technology***

566 Closing the gaps in access to assistive technology will ensure that all students,
567 including English language learners, and those with disabilities and special
568 needs achieve State Academic Content Standards. Assistive technology
569 allows educators to develop individualized learning programs to meet the
570 needs of all students. Different technologies exist to help all students meet
571 their learning needs, for example:

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573 *Case Studies to be Inserted Here*

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- **Higher Education, Business, and Community Partnerships**
High-quality partnerships will help districts and schools close the gaps in curriculum, professional development, and infrastructure. Partnerships with higher education institutions, businesses, and community organizations provide districts and schools opportunities to leverage resources and expertise to promote the integration of technology in education. Districts and schools have developed various types of partnerships, for example:

Case Studies to be Inserted Here

Goals and Recommendations

Vision for California: Closing the Gaps

Closing the gaps in access to technology that enhance and enable teaching, learning and leadership, will help all students achieve mastery of the State Academic Content Standards throughout California, providing students a future of choices and a choice of futures.

Recommended Action:

1. The State should study, identify and determine multiple measures for a **Technology Integration Performance Index (TIPI)** and develop appropriate methods for the collection, analysis, and publishing of the TIPI in the Annual School Accountability Report.

Curriculum, Instruction, and Assessment: Ubiquitous Technology and Mastery of Academic Standards

Closing the gaps in access to rigorous and effective digital content aligned to the State Academic Content Standards and fully integrated into curriculum, instruction, and assessment will help ensure that all students are prepared to meet the present and future needs of California.

- **Equity and Access**

Goal: All students and educators will have **ubiquitous access** and the ability to utilize rigorous and effective digital content.

Rationale: Technology may be used effectively to facilitate the distribution and broaden the delivery of rigorous and effective digital content throughout California. The digital divide that stretches across many communities is not only related to hardware and connectivity, but also to rigorous and effective digital content. Traditionally, students in the least advantaged schools also have had the least access to rigorous and effective

617 digital content.⁷ Closing this knowledge gap requires the state to ensure that rigorous and
618 effective digital content is accessible and utilized by all students and teachers to assist
619 students in meeting and exceeding the State Academic Content Standards. Importantly,
620 technology allows all students, including English language learners and those with
621 special needs, the opportunity to participate fully in education. Ensuring equity and
622 access to rigorous and effective digital content allows students and teachers to be both
623 users and producers of academic content and innovative curriculum and assessment,
624 furthering efforts to improve student achievement.

625
626 Recommended Actions:

- 627 2. The State should use the TIPI to develop incentives and allocate resources to
628 districts and schools to help them achieve ubiquitous access to rigorous and
629 effective digital content to meet the diverse learning needs of all students.
- 630 3. The State should continue to support, expand, and coordinate technology
631 resources such as, the DCP and CLRN, to gather and promote access to
632 rigorous and effective digital content.

633
634 Target Tech Indicators:

- 635 ➤ 100% of students and educators have ubiquitous access to rigorous and
636 effective digital content to meet the diverse learning needs of all students.
- 637 ➤ Digital content is seamlessly integrated and used by 100% of students and
638 educators on a daily basis in all classes and subjects.
- 639 ➤ 100% of students have anytime, anywhere access to online course units to
640 supplement and expand course offerings.

641
642 • **Standards**

643
644 Goal: All educators will fully integrate into their practice appropriate educational
645 technology and rigorous and effective digital content to promote mastery of the State
646 Academic Content Standards by all students.

647
648 Rationale: Educational technology and digital content, aligned to State Academic
649 Content Standards, enable students and teachers to address individual learning needs
650 (e.g., age, disabilities, ability level, special needs) using multiple approaches to rigorous
651 and effective content. Learning flexibility increases the opportunities for all students to
652 achieve mastery of the State Academic Content Standards. Educational technology
653 promotes this flexibility, along with collaboration, innovation, applied and contextual
654 learning, and has been shown to increase student achievement.⁸ Moreover, educational
655 technology makes possible data collection, analysis and real-time assessment of learning,

⁷ *Summary of Statewide Results for the 2001 California Technology; Summary of Statewide Results for the 2002 California School Technology Survey*; Macias, Julia; Montes, Ana; and Cibran, Alma. 2001. "Connecting California's Children: Is E-Rate Enough?" in *Latino Issues Forum*, July issue, p.1-28.

⁸ Ringstaff, Cathy. (Date needed). *Survey of Existing Evaluations on the Impact of Education Technology on Teaching and Learning*. WestEd.; Branigan, Cara. 2002. "Missouri's Ed-Tech Program Is Raising Student Achievement," in *eSchool News*, March 13.

656 all of which provide educators with necessary feedback loops that assist in identifying
657 and targeting the individual learning needs of students.

658
659 Recommended Action:

- 660 4. The State Board of Education should revise the K-8 Instructional Materials
661 Adoption process to provide for a more in-depth review of each Electronic
662 Learning Resources (ELR) submitted for adoption, including an assessment of
663 the rigor and effectiveness of the resource. To help educators take advantage
664 of appropriate technology, review results should identify the specific
665 standard(s) addressed by each separate ELR, be posted on the CLRN website,
666 and be searchable by the academic content standards addressed by each
667 resource
- 668 5. The State should provide incentives to business and industry to develop
669 rigorous and effective digital content in curriculum, instruction, and
670 assessment that are aligned to State Academic Content Standards and take
671 advantage of appropriate technology.
- 672 6. The State should provide incentives to districts and schools to integrate
673 rigorous and effective digital content in curriculum, instruction, and
674 assessment that are aligned to State Academic Content Standards and take
675 advantage of appropriate technology.

676
677 Target Tech Indicators:

- 678 ➤ 100% of curriculum and assessment incorporate rigorous and effective digital
679 content that is aligned to state academic standards and takes advantage of
680 appropriate technology.
- 681 ➤ 100% of students and educators utilize curriculum and assessment that
682 incorporate rigorous and effective digital content that is aligned to state
683 academic standards and takes advantage of appropriate technology.
- 684 ➤ 100% of educators utilize CLRN to assist in developing lesson plans that
685 incorporate rigorous and effective digital content, integrate state academic
686 standards, and take advantage of appropriate technology.

687
688 • **Information & Technology Literacy**

689
690 Goal: All students will develop information and technology literacy skills⁹ that enable
691 them to meet and exceed the demands for an information and technologically literate
692 workforce.

693
694 Rationale: The knowledge economy age requires that workers be information-literate, “a
695 person must be able to recognize when information is needed and have the ability to
696 locate, evaluate, and use effectively the needed information.”¹⁰ Workers must also have
697 knowledge of and proficiency with numerous technologies (e.g., hardware, programs,

⁹ International Society for Technology in Education includes a set of skills as a part of their NETS and the full list is included in Appendix VI: ISTE NETS.

¹⁰ *American Library Association Presidential Committee on Information Literacy*. Chicago: American Library Association, 1989.

698 applications) and the vast resources available through the Internet and the World Wide
699 Web. (Need to include reference to the Secretary’s Commission on Achieving Necessary
700 Skills (SCANS) Report) Students who are the workers of tomorrow must learn to develop
701 the skills that will enable them to use the technological tools available and to understand
702 the information gleaned and analyzed by the technology. Ensuring students develop
703 **information and technology literacy** will help to ensure the state’s economic
704 competitiveness in the 21st Century.

705
706 Recommended Action:

- 707 7. The State should develop technology literacy standards for all students at
708 every grade level, and as an interim step, may consider the adoption of ISTE
709 National Education Technology Standards (NETS).
710 8. The State should provide incentives to establish and sustain high-quality
711 partnerships and annually recognize exemplary partnerships that develop
712 students’ information and technology literacy.
713

714 Target Tech Indicators:

- 715 ➤ 100% of information literacy skills are embedded in and assessed by the State
716 Academic Content Standards¹¹
717 ➤ 100% of high-quality partnerships develop student mastery of information and
718 technology literacy skills.
719

720
721 ***Professional Development: Systemic Reforms and Continuous Improvement***

722
723 *Closing the gaps in access to systemic professional development that encourages leadership,*
724 *collaboration, and continuous improvement will ensure ubiquitous technology integration in*
725 *education that supports the present and future needs of California.*
726

727 • **Equity and Access**

728
729 Goal: All educators will have access to rigorous and effective systemic professional
730 development that promotes the integration of technology in education.
731

732 Rationale: Technologies may be used effectively to facilitate the distribution and
733 broaden the delivery of rigorous and effective professional development across the state.
734 The opportunity to develop professionally must be equally accessible to all educators.
735 Improving upon and learning new methods for technology integration will bring about
736 systemic reform in curriculum, assessment, pedagogy, and school management.
737

738 Recommended Actions:

- 739 9. The State should use the TIPI to develop incentives and allocate resources to
740 districts and schools to help them achieve ubiquitous access to rigorous and
741 effective systemic professional development that promotes the integration of
742 technology in education.

¹¹ See Appendix V.

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Target Tech Indicators:

- 100% of educators have ubiquitous access to rigorous and effective systemic professional development that promotes the integration of technology in education.
- 100% of educators’ release time is compensated for rigorous and effective systemic professional development that promotes the integration of technology in education.

- **Systemic Professional Development**

Goal: All educators will receive the training, resources and support necessary to appropriately and effectively integrate technology into curriculum, assessment, pedagogy, and school management.

Rationale: Capacity building in the profession and reform in education requires that all educators participate in **systemic professional development** programs that support the integration of technology. Educators’ varying technology proficiencies require a professional development model that evolves as technical skills increase. This professional development model should be systemic, comprehensive, and include fully supported training that is scaffolded according to individual needs, providing opportunities for one-on-one interaction, workplace and classroom support, and on-line instruction. This model should also include daily or weekly training to meet technical and pedagogical needs, as well as annual or semi-annual intensive training to learn new applications and pedagogical strategies. Most important, educators need time to participate in training programs, develop their newly learned skills, and apply them into their practice. Systemic professional development for technology integration must be fully supported at the state, district, and school level.

Recommended Action:

10. The State should provide incentives to districts and schools to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology in education.
11. The State should provide incentives to business and industry to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology with their education products.
12. The State should use technology and statewide technology resources to foster and sustain rigorous and effective systemic professional development that promotes the integration of technology in education.

Target Tech Indicators:

- 100% of professional development is systemic and promotes the integration of technology in education, and uses technology to deliver rigorous and effective training, mentoring, and support to educators statewide.

789 ➤ 100% of educators use and integrate rigorous and effective digital content into
790 their practice.
791

792 • **Leadership and Collaboration**
793

794 Goal: All educators will engage in **professional activities** that develop rigorous and
795 effective digital content, integrate technology in education, and promote leadership and
796 collaboration across the education profession.
797

798 Rationale: Educators need to be actively working together to create, share, and scale best
799 practices, rigorous and effective digital content and effective uses of technology
800 integration. Technology provides educators the opportunity to work collaboratively,
801 independent of location, to develop and disseminate exemplars of technology integration
802 into curriculum, instruction, assessment, pedagogy, and school management. Educators
803 need to develop leadership skills that encourage the systemic production, evaluation, and
804 application of digital content, and support the use of technology in schools. Educators
805 also need to serve as models and mentors, to sustain a positive professional culture of
806 continuous improvement and a system of opportunity for professional development that
807 makes use of all available resources at the local, state, and national level.
808

809 Recommended Action:

810 13. The State should provide incentives that fairly compensate educators who
811 show leadership by developing technology innovations and transfer the
812 intellectual property rights to the State, thereby, placing the innovations in the
813 public domain.

814 14. The State should provide incentives to enhance K-12 collaboration with
815 higher education, business and industry, nonprofits and community-based
816 organizations to use technology across the professional development
817 continuum (teacher education through accomplished teaching).
818

819 Target Tech Indicators:

820 ➤ 100% of districts and schools offer systemic professional development,
821 perhaps in partnerships, which cultivate leadership skills and encourage
822 experimentation with the effective uses of technology.

823 ➤ 100% of districts and schools provide opportunities for educators to engage in
824 collaborative activities focused on technology integration.
825

826
827 • **Continuous Improvement**
828

829 Goal: All educators will participate in systemic professional development activities that
830 encourage reflective practices and use technology to continuously improve curriculum,
831 assessment, pedagogy, and school management.
832

833 Rationale: Systemic professional development must encourage reflective practice, data-
834 driven decision-making processes, and continuous improvement in education. Educators

835 need to be actively working to continually improve their use of technology in order to
836 improve teaching, learning and school management. Reflective practice requires that
837 educators be knowledgeable of current research and application, develop mechanisms
838 that provide feedback, and work to continually improve their skills. Educators must also
839 use data to make better-informed decisions about the appropriate and effective uses of
840 technology.

841
842 Recommended Action:

843 15. The State should provide incentives to districts and schools that encourage
844 educators to use data to inform reflective practice and guide continuous
845 improvement; and frequently publish those exemplary applications of data-
846 driven decision-making.

847 16. The State should provide incentives to high-quality partnerships and annually
848 recognize exemplary partnerships that deliver professional development
849 focused on reflective practice and continuous improvement.

850
851 Target Tech Indicators:

852 ➤ 100% of districts and schools offer systemic professional development that
853 teaches data-driven decision-making skills and encourages the use of
854 technology for continuous improvement.

855 ➤ 100% of districts and schools make use of state of the art technology to
856 continuously improve curriculum, assessment, pedagogy, and school
857 management.

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860 ***Infrastructure: Ubiquity, Sustainability, and Dynamic Design***

861
862 *Closing the gaps in anytime, anywhere access for all students and educators; promoting*
863 *sustainability and comprehensive planning; and leveraging resources and education data will*
864 *ensure a dynamic technological infrastructure that supports the present and future needs of*
865 *California.*

866
867

868 • **Equity and Access**

869

870 Goal: All students and educators must be able to access and utilize all necessary and
871 appropriate technology resources anytime, anywhere.¹²

872

873 Rationale: Large inequities exist and persist in anytime, anywhere access to operable,
874 reliable, and assistive technology for all students and educators across all communities in
875 California. There are significant technological infrastructure challenges statewide, some
876 impacting rural and urban districts, others affecting schools and their communities.

877 Moreover, ubiquitous access to and reliable operability of assistive technology ensure
878 that the learning needs of all students are met in an appropriate and timely manner.

¹² For a further definition of anytime, anywhere access, refer to the Target Tech Level provided in the CEO Forum StaR Charts in Appendix II.

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Recommended Action:

17. The State should use the TIPI to develop incentives and allocate resources to districts and schools to help them achieve ubiquitous access for all students and educators.
18. The State should explore providing learning opportunities that use technology to promote State Academic Content Standards and qualify for average daily attendance (ADA) funding, allowing for greater flexibility with categorical funding and resources.

Target Tech Indicators:

- 100% of students and educators have ubiquitous access and can utilize all necessary and appropriate technology.
- 100% of districts and schools have greater flexibility with categorical funds and the allocation of resources to promote learning opportunities using technology.

- **Sustainability and Comprehensive Planning**

Goal: All districts and schools must engage in comprehensive technology planning, incorporating **total cost of ownership** into annual budget processes, and design infrastructure for sustainability and optimal utilization of present and future technology.

Rationale: Designing infrastructure for sustainability and optimal utilization means that technology cannot be treated as a stand-alone or a one-time cost in state, district, and school budgets. Sustainability requires that the technology infrastructure be scalable, reliable, upgradeable, and interoperable across the entire education system in California. As with other infrastructure costs, technology has several components, including technical support, maintenance, replacement, recycling, and disposal. Building infrastructure and acquiring technology requires state and local policymakers, educators, and education partners (businesses and nonprofit organizations) to employ a total cost of ownership model in their technology planning and budgeting. The State should encourage districts and schools to seek out new and leverage existing resources to design for sustainability and optimal utilization of technology.

Recommended Actions:

19. The State should require districts and schools to incorporate the total cost of ownership model as a prerequisite to receiving new educational technology funding.
20. The State should be required to review and update the District Planning Guidelines as necessary.
21. The State should provide incentives to high-quality partnerships and annually recognize exemplary partnerships that foster innovation and sustain technology acquisition and integration.

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Target Tech Indicators:

- 100% of districts and schools incorporate the total cost of ownership model in their budgeting and planning for technology.
- 100% of districts and schools have technical support available twenty-four hours a day and seven days a week.

• **Leveraging Existing Resources**

Goal: All policymakers and educators must collaborate to promote flexibility with existing state technology tools, funding mechanisms, and additional resources to coordinate and develop a sustainable, ubiquitous, and dynamic technology infrastructure.

Rationale: At all levels policymakers and educators need greater flexibility to leverage and coordinate existing resources to ensure a sustainable, ubiquitous, and dynamic infrastructure (e.g., how funds and building spaces are used and allocated for technology integration). With increased flexibility, there is a need to design policy that improves accountability in the area of technology integration emphasizing outcomes and not inputs (e.g., student achievement and administrative efficiency, and not categorical funding). Moreover, the state has invested significantly in the use of technology by creating resources such as a statewide network, a technical assistance support structure, a curriculum tool, professional development and resources for administrators and technology staff, and a student data and record-keeping system. These technology tools provide tremendous benefit to educators and can be further developed and better coordinated to realize their potential. The State must continue its support of these programs and work to structure policy incentives to encourage local policymakers and educators to collaborate and leverage these and other resources.

Recommended Action:

22. The State should develop incentives that promote the coordination of existing education policy and resources for technology acquisition and integration.
23. The State should encourage local flexibility to allow categorical funding and Lottery Funds to be used for technology acquisition and integration.

Target Tech Indicators:

- 100% of districts and schools utilize state resources and work to coordinate local technology decisions with regional and statewide education opportunities for technology acquisition and integration.
- 100% of districts and schools have flexibility to leverage their resources and reallocate funding for technology acquisition and integration.

• **Collecting, Storing, Using, and Securing Data**

Goal: All policymakers, educators, students, and parents will have anytime, anywhere access to appropriate and necessary data that is securely collected and stored to help them make better-informed decisions related to educational technology integration.

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Rationale: Technology may be used effectively to facilitate the collection and distribution of educational data and broaden the understanding of policymakers, educators, students, and parents to help them make better-informed decisions. There is a need for better student data at all levels, so that policymakers, educators, students, and parents will be able to assess and determine the educational effectiveness of their actions and decisions. While there are security and privacy issues related to record keeping, there are also sufficient technological safeguards that can secure student data. The State must support the secure coordination, collection, analysis, planning, and publishing of district, school, and student data in order to accurately assess educational improvement.

Recommended Actions:

24. The State should provide support and assistance to districts and schools to help them collect and use data to make better-informed decisions.
25. The State should use technology to coordinate state efforts to collect, secure, analyze, plan, and annually publish data related to technology integration and its impact on district, school, and student improvement.

Target Tech Indicators:

- 100% of districts and schools collect and use data relevant to technology integration and its impact on curriculum, assessment, pedagogy, and school management to make better-informed decisions.
- All education stakeholders have the necessary and appropriate data available to them through the State to help them better understand the educational effects of technology on curriculum, assessment, pedagogy, and school management.

Appendix I: Definitions of terms used in plan

Data-driven decision-making: A process where educators use a variety of district, school, educator, student, and community data to make better-informed decisions about how to improve technology use, acquisition, and integration in education.

Digital content: The digitized multimedia material that calls upon students to seek and manipulate information in the collaborative, creative and engaging ways, which make digital learning possible. It includes video on demand, software, CD-ROMs, websites, e-mail, online learning management systems, computer simulations, streamed discussions, data files, databases, audio, and all other digital applications and devices.

Educational technology: The methods and materials employed to assist teaching, learning, and school management, and includes hardware, software, programs, applications, and all digital content.

High-quality partnerships: Collaborative agreements that are beneficial to all parties and occur between districts and schools with institutions of higher education, businesses, and nonprofits and community-based organizations, which address various educational needs.

Information literacy: The ability to locate, access, evaluate and effectively use information as needed from a variety of sources.

Professional activities: Includes all activities relating to training, mentoring, conference presentations, research, publishing, materials development and evaluation, and participation in and contributions to projects such as the Digital California Project (DCP), the California Learning Resource Network (CLRN) and other online resources.

Rigorous and effective: (insert definition)

Systemic professional development: A model for professional development that includes continuous and comprehensive anytime, anywhere training that evolves with, and accommodates all educators' needs and educational environments.

Target Tech: Is the desired level for every district and school to achieve and is further articulated in Appendix IV: CEO Forum School Technology and Readiness (STaR) Chart. Elements in the chart are used throughout the plan as suggested measures of progress.

Technology integration: Technology is seamlessly integrated into school culture, management, pedagogy, curriculum, instruction, and assessment. Effective and appropriate integration of technology is part of a planned program of school improvement as it relates to school management and student achievement of the State Academic Content Standards.

Technology Integration Performance Index (TIPI): An index of multiple measures that describes the learning environment for students and educators, and represents an objective

1041 standard of the level of technology integration that all districts and schools should achieve.
1042 (See Appendix II.)

1043
1044 *Technology literacy:* The ability to use technology to improve student achievement, and the
1045 capability to think critically about the use and integration of technology in teaching and
1046 learning. ISTE NETS standards describe the technology skills and knowledge students
1047 should acquire as they progress through the K-12 system and is further articulated in
1048 Appendix VI: ISTE NETS.

1049
1050 *Total Cost of Ownership:* A model that incorporates all aspects of technology costs and
1051 includes, technical support, professional development, maintenance, replacement, recycling,
1052 and disposal.

1053
1054 *Ubiquitous access:* Is the availability of all resources necessary to utilize technology for
1055 teaching, learning, and school management, anytime, anywhere. It includes access to
1056 hardware, software, online resources, digital content, curriculum, assessment, and technical
1057 support. Ubiquitous access will ensure that student and educator work is neither impeded,
1058 nor restricted to the school or district site.

1059

1060 **Appendix II: Technology Integration Performance Index (TIPI)**

1061
1062 The Technology Integration Performance Index (TIPI) of multiple measures, describing a
1063 learning environment for students and educators, should represent an objective standard on the
1064 level of technology integration that all districts and schools should achieve. The TIPI should be
1065 collected and published in the Annual School Accountability Report and should be considered a
1066 parallel index to the API.

1067
1068 The TIPI will measure the Target Tech levels of every district and school and will assist in
1069 mapping the progress of educational technology integration throughout California. Policymakers
1070 and educators will be able to use the TIPI to make better-informed decisions regarding the
1071 allocation of resources and the primacy of legislation needed to improve educational technology
1072 integration. The TIPI will assist parents, community members and other education partners to
1073 develop high quality partnerships that address local educational technology needs and priorities.

1074
1075 The Commission on Technology and Learning (CTL) recommends that the State study, identify
1076 and determine the multiple measures and their relative value for inclusion in the TIPI. While the
1077 Commission has not focused on the TIPI in depth, there has been consensus that the Index
1078 should measure the levels of ubiquitous access, educational technology, and technology
1079 integration, along the dimensions of curriculum, instruction, and assessment; professional
1080 development; and infrastructure at every school and district site throughout California. In other
1081 words, the TIPI should capture the breadth and the depth of the *Closing the Gaps Matrix* in the
1082 Executive Summary (see page --).

1083
1084 The Commission recommends that the State utilize those data elements already collected by state
1085 agencies, districts, and schools, and determine their relative value for inclusion in the TIPI.
1086 Additionally, the Technology in Schools Task Force developed a guide to assist those assessing
1087 technology in education through the National Cooperative Education Statistics System and
1088 funded by the National Center for Education Statistics (NCES) of the U.S. Department of
1089 Education. The Commission strongly recommends that the State review the findings of the
1090 Technology in Schools Task Force to develop the TIPI, including their report, *Technology in
1091 Schools: Suggestions, Tools, and Guidelines for Assessing Technology in Elementary and
1092 Secondary Education*, and the list of comprehensive data elements, reproduced in Appendix III
1093 of this plan.

1094 **Appendix III: National Center for Education Statistics Technology in Schools:**
1095 **Suggestions, Tools, and Guidelines for Assessing Technology in Elementary**
1096 **and Secondary Education**

1097
1098 Appendix A2 from the above document published by the National Center for Education Statistics
1099 (NCES) contains a list of data elements to be reviewed for possible inclusion during the
1100 compilation of the TIPI. Refer to the website at <http://nces.ed.gov/pubs2003/2003313.pdf>.

1101
1102 **Appendix IV: CEO Forum K-12 School Technology and Readiness (STaR)**
1103 **and Teacher Preparation StaR Charts**

1104 <http://www.ceoforum.org/starchart.cfm>

1105
1106 **Appendix V: Information literacy skills/ Academic Content Standards**

1107 *Education Technology Planning: A Guide for School Districts: Appendix B*

1108 <http://www.cde.ca.gov/ctl/edtechplan/appendixes.pdf>

1109
1110 Academic Content Standards for California Public Schools

1111 <http://www.cde.ca.gov/standards/>

1112
1113 **Appendix VI: ISTE National Education Technology Standards (NETS)**

1114 <http://cnets.iste.org/>

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Appendix VII: Current state-administered technology resources

1118 **California Learning Resource Network (CLRN).** CLRN services include the review of
1119 supplemental electronic learning resources (including software, on-line resources, and
1120 video) and on-line model technology lessons for alignment with the State Board-adopted
1121 Academic Content Standards. The review criteria used in this process were approved by
1122 the State Board of Education. The goal is to provide a comprehensive instructional
1123 delivery package that combines standards-aligned resources and standards-based lesson
1124 plans in a single, easy-to-use access point. The searchable website includes the review
1125 results of the resource evaluation, the standards-based instructional lessons, and links to
1126 other resources. Refer to the website at <http://www.clrn.org>.

1127 **California Student Information System (CSIS).** CSIS builds the capacity of Local
1128 Education Agencies (LEAs) to implement and maintain comparable, effective, and
1129 efficient student information systems that supports local education agency (LEA) daily
1130 program needs and promotes the use of information for educational decision-making by
1131 school-site, district office and county staff. It enables the accurate and timely exchange of
1132 student transcripts between LEAs and post secondary institutions. CSIS assists LEAs with
1133 the transmittal of state reports electronically to the California Department of Education,
1134 thereby reducing reporting burden of LEA staff.

1135 **California Technology Assistance Project (CTAP).** CTAP works collaboratively with all
1136 school districts and county offices of education, through a network of eleven regions statewide,
1137 to meet locally defined technology-based needs. CTAP regional staff provide assistance in the
1138 areas of staff development; learning resources; hardware telecommunications infrastructure;
1139 technical assistance to school districts in developing a support system to operate and maintain an
1140 education technology infrastructure, including improving pupil record keeping and tracking
1141 related to pupil instruction; coordination with federal, state, and local programs consistent with
1142 State Board-adopted Academic Content Standards; and funding for technology. Refer to the
1143 website at <http://www.cde.ca.gov/edtech/ctap.htm>.

1144
1145 **Digital California Project (DCP).** DCP provides California's K-12 education community with
1146 access to the high speed, high bandwidth on-line network currently available to higher education.
1147 DCP is designed to build the necessary network infrastructure needed to provide districts with at
1148 least one access point in each county to the high-speed statewide network. Refer to the website
1149 at <http://www.cenic.org/CDP.html>.

1150 **Technical Support for Education Technology in Schools (TechSETS).** This project
1151 provides professional development and resources for technology staff. Services include
1152 identifying technology skills needed, along with appropriate professional development,
1153 arrayed in a user-friendly matrix; identifying cost effective sources of training aligned to
1154 the matrix of skills; providing resources and support for California school technologists
1155 through an online interactive helpdesk, and providing assistance for planning and installing
1156 technology infrastructures. Refer to the website at <http://www.techsets.org>.

1157 **Technology Information Center for Administrative Leadership (TICAL).** TICAL
1158 provides assistance for district and site administrators by providing professional
1159 development focused on "digital school leadership" for educational administrators in the
1160 areas of: data-driven decision making, integrating technology into standards-based
1161 curriculum, technology planning, professional development needs of staff, financial
1162 planning for technology, and operations and maintenance. Professional development is
1163 conducted through a series of workshops provided by TICAL cadre members throughout
1164 the state. TICAL maintains a web portal that features hundreds of resources that have
1165 been reviewed and recommended by practicing administrators to assist with digital school
1166 leadership. The portal is frequently augmented with current content that provides just-in-
1167 time assistance for administrators and is also used as the dissemination vehicle for
1168 information on upcoming professional development workshops. Refer to the website at
1169 <http://www.portical.org>.

1170 **CTAP² Technology Assessment Profile.** CTAP² is an on-line, self-assessment data collection
1171 tool that allows school administrators to gather information on their staffs technology proficiency
1172 and use of technology for instruction. The website includes two administrative tools. The
1173 Proficiency Assessment is an on-line, self-assessment tool that allows educators to determine
1174 their level of technology proficiency. The self-assessment is based upon rubrics established in
1175 each area of technology competency and aligned with the California Commission on Teacher
1176 Credentialing (CTC) "Factors to Consider", which is the Technology Standard for a California
1177 K-12 Preliminary Teaching Credential. Based on the results of the assessment, educators can
1178 view and select training opportunities that will advance their proficiency. While the results for
1179 the individual teacher are private, charts can be displayed showing the overall level for teachers
1180 at a school site as well as within a district, county, region, or for the entire state. The
1181 Technology Use Survey is an on-line tool that allows site, district, county and state
1182 administrators to gather information regarding certificated staff's use of technology tools. The
1183 survey addresses four areas of teacher technology usage: 1) use of technology tools for
1184 classroom management and instruction; 2) their student's use of technology tools for classroom
1185 assignments; 3) their professional development preferences, and 4) their technical support
1186 experiences. Refer to the website at <http://ctap2.iassessment.org>.

1187
1188
1189

1190 **Partial List of References:**

1191 • *Summary of Statewide Results for the 2001 California School Technology Survey*
1192 • *Summary of Statewide Results for the 2002 California School Technology Survey*
1193 • *Connecting California’s Children—Is E-Rate Enough?* (released by the Latino Issues
1194 Forum). You can also find the Latino Issues Forum paper at www.lif.org.
1195 • *Conditions for Classroom Technology Innovations*, by Yong Zhao, et al.
1196 • CEO Forum *School Technology and Readiness Report – Key Building Blocks for Student*
1197 *Achievement in the 21st Century*
1198 • Ed Source: Developing CSIS
1199 • Ed Source: California’s Student Testing System
1200 • Education Week-Technology Counts 2001
1201 • “Research-based answers to the Professional Development Questions submitted by
1202 Commission on Technology in Learning,” prepared by John Cradler, Educational Support
1203 Systems and Center for Applied Research in Educational Technology (CARET)
1204 • *Designs for Learning*, Executive Summary.
1205 • *Learning, Teaching, Leading: Report of the Professional Development Task Force*
1206 • *National Education Standards for Teachers, Preparing Teachers to Use Technology*.
1207 • *Final Reports for the Joint Committee to Develop a Master Plan for Education K-20*.
1208 These reports will not become an Education Master Plan until the Joint Committee
1209 decides how to handle the report recommendations. Available at:
1210 [http://www.sen.ca.gov/ftp/SEN/COMMITTEE/JOINT/MASTER_PLAN/home/whatsne](http://www.sen.ca.gov/ftp/SEN/COMMITTEE/JOINT/MASTER_PLAN/home/whatsnew.htm)
1211 [w.htm](http://www.sen.ca.gov/ftp/SEN/COMMITTEE/JOINT/MASTER_PLAN/home/whatsnew.htm)
1212 • The George Lucas Education Foundation, *Edutopia Online*. Available at: <http://glef.org/>
1213 • “Missouri’s ed-tech program is raising student achievement,” article by Cara Branigan,
1214 Assistant Editor, eSchool News, March 13, 2002. Available at:
1215 <http://eschoolnews.com/news/showStory.cfm?ArticleID=3588>
1216 • *Principal Training Program (AB 75)*. Available at:
1217 <http://www.cde.ca.gov/pd/prin/index.html>
1218 • *What’s In, What’s Out—An Analysis of State Educational Technology Plans*. Dr. Yong
1219 Zhao, Michigan State University
1220 • *Survey of Existing Evaluations on the Impact of Education Technology on Teaching and*
1221 *Learning*, Cathy Ringstaff, Senior Research Associate, WestEd
1222 • *The Power of the Internet for Learning: Moving from Promise to Practice. Report of the*
1223 *Web-based Education Commission to the President and the Congress of the United*
1224 *States*, **David Byer**
1225 • Technology Briefs for ‘No Child Left Behind’ Planners
1226 Available at <http://www.neirtec.org/products/techbriefs/default.asp>
1227 *Note: Complete the online form and submit to access the PDF file*
1228 • State Policy Framework for Assessing Educational Technology Integration, Version Four
1229 by Chris Dede
1230 Available at <http://www.neirtec.org/statepolicy>
1231 • PowerPoint on Total Cost of Ownership
1232 Available at http://www.cosn.org/tco/project_pubs.html
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- Critical Path Analysis of California’s Science and Technology System, April 2002. Available at http://www.cest.ucr.edu/cpa/download/CPA_Full.pdf
 - California Master Plan for Education – Kindergarten through University Available under the “documents” link at <http://WWW.SEN.CA.GOV/masterplan/>
 - CEO Forum Report Year 4 Report, June 2001 - *Key Building Blocks for Student Achievement in the 21st Century* and STaR Chart Available at <http://www.ceoforum.org/reports.cfm>
 - *Report of the Professional Development Task Force - Learning, Teaching, Leading. Presented by Jean Treiman at the May Commission Meeting* Available at www.cde.ca.gov/cdepress/learnteachlead.pdf
 - *Connect, Compute, and Compete: The Report of the California Education Technology Task Force*, California Department Of Education, 1996
 - *National Educational Technology Standards for Students. Connecting Curriculum and Technology*, International Society for Technology in Education, USDOE, 2000
 - *National Educational Technology Standards for Teachers. Preparing Teachers to Use Technology*, International Society for Technology in Education, Teacherline, grant from USDOE, 2002
 - U.S. Department of Education, National Center for Education Statistics. *Technology in Schools: Suggestions, Tools, and Guidelines for Assessing Technology in Elementary and Secondary Education*, NCEES 2003–313, prepared by Tom Ogle, Morgan Branch, Bethann Canada, Oren Christmas, John Clement, Judith Fillion, Ed Goddard, N. Blair Loudat, Tom Purwin, Andy Rogers, Carl Schmitt, and Mike Vinson of the Technology in Schools Task Force, National Forum on Education Statistics. Washington, DC: 2002.



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
Assignment of Numbers for Charter School Petitions		INFORMATION
		PUBLIC HEARING

Recommendation:

California Department of Education (CDE) staff recommends that the State Board of Education (SBE) assign charter numbers to the charter schools identified on the attached list.

Summary of Previous State Board of Education Discussion and Action

The SBE is responsible for assigning a number to each approved charter petition. On the advice of legal counsel, CDE staff is presenting this routine request for charter numbers as a standard action item.

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 515 charter schools, including six approved by the SBE after denial by the local agencies. Of these 515 schools, approximately 400 are estimated to be operating in the 2002-03 school year. In addition, the SBE has approved eight all-charter school districts containing a total of 15 charter schools.

Summary of Key Issue(s)

The law allows for the establishment of charter schools. A charter school typically is approved by a local school district or county office of education. The entity that approves a charter is also responsible for ongoing oversight. A charter school must comply with all the contents of its charter, but is otherwise exempt from most other laws governing school districts.

Education Code Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state is within the cap on the total number of charter schools authorized to operate. As of July 1, 2002, the number of charter schools that may be authorized to operate in the state is 650. This cap may not be waived. This item will assign numbers to eight more charter schools. Copies of the charter petitions are on file at the Charter Schools Office.

Fiscal Analysis (as appropriate)

N/A

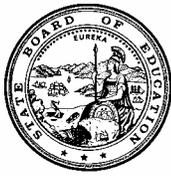
Attachment(s)

[Attachment 1](#): Assignment of Charter School Numbers (Page 1-1)

February 2003 State Board of Education Meeting

Assignment of Charter School Numbers

NUMBER	CHARTER SCHOOL NAME	CHARTER SCHOOL COUNTY	AUTHORIZING ENTITY	CHARTER SCHOOL CONTACT
516	Coastal Academy	San Diego	Oceanside USD	Bob Goode 130 B West Woodward Ave. Escondido, CA 92025 760-546-0101
517	The Museum Middle School	San Diego	San Diego USD	Carl Hermanns 555 Union St. San Diego, CA 92101 619-236-8712
518	Rainbow Advanced Institute for Learning	San Diego	Vallecitos SD	Paul Cartas 5211 Fifth St. Rainbow, CA 92028 760-728-7092
519	Somis Academy	Ventura	Somis Union ESD	Carol Andersen 5268 North St. P.O. Box 900 Somis, CA 93066 805-386-5711
520	Cornerstone Prep Charter School	Los Angeles	Los Angeles USD	Dan Snowberger 540 N. Augusta Fresno, CA 93701 866-474-3285
521	New Economics for Women (NEW) Academy of Science and Arts	Los Angeles	Los Angeles USD	Mona Reyes 303 S. Loma Drive Los Angeles, CA 90017 213-483-2060
522	Santa Rosa Accelerated Charter School	Sonoma	Santa Rosa City HSD	Steve Butler 211 Ridgway Ave. Santa Rosa, CA 95401 707-528-5284
523	Hawthorne Mathematics, Science and Technology Academy	Los Angeles	Hawthorne SD	Donald R. Carrington 14120 S. Hawthorne Blvd. Hawthorne, CA 90250 310-676-2276



FEBRUARY 2003 AGENDA

SUBJECT Request to Fund the Recommended List of Public Charter Schools Grant Program Award Recipients	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve funding for the recommended list of charter schools grant applications.

Summary of Previous State Board of Education Discussion and Action

The Public Charter Schools Grant Program (PCSGP) is funded by the U.S. Department of Education and provides grant awards for the final planning and initial implementation of public charter schools, and for the dissemination of best practices developed in charter schools to charter and traditional schools.

In September 2001, the U.S. Department of Education awarded California a three-year grant in the amount of \$72 million, of which \$24 million is available for fiscal year 2002-03. To date, the SBE has approved funding commitments in the amount of \$64.9 million through the vehicles of two combined (start-up, implementation, and dissemination) and one stand-alone (dissemination) grant cycles. A copy of the RFA is available for review in the Charter Schools Office.

Summary of Key Issue(s)

Dissemination grants are awarded to successful charter schools to share best practices with other public schools (charter and traditional) and to assist developing charter schools. In 2002, CDE began administering a continuous application filing system for the PCSGP dissemination grants, with application reading and scoring occurring three times a year. This change is intended to make applying for dissemination grants easier and consequently, to increase the availability of dissemination grant projects to public charter and traditional schools.

The application deadline for the latest dissemination (only) grant cycle was November 29, 2002. The CDE received six dissemination grant applications. Standardized Testing and Reporting (STAR) data and Academic Performance Index (API) rankings were factors of consideration for eligibility. A peer review scoring of the grant applications was completed on December 31, 2002. Each application was read and scored at least twice using the five-criteria scoring rubrics for the dissemination grants. The scores for each application were averaged for a final score, and applications were ranked in descending order.

The three recommended recipients are successful schools as determined by their applications and API or SAT 9 scores. API scores of the schools range from 695 to 884. One of the schools earned a "similar school" score of 9, and the remaining two schools earned "similar school" scores of 10. One recipient is from Northern California and two are from Southern California. These project-based grants will provide assistance and share best practices in the areas of teaching strategies, curriculum, and arts education.

Summary of Key Issue(s)

CDE recommends funding the following dissemination grant applicants for a total two-year funding commitment of \$599,305:

County: San Diego
LEA: San Diego City USD
School: The Preuss School, UCSD
Award: \$199,305

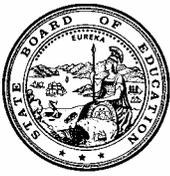
County: Santa Cruz
LEA: Santa Cruz COE
School: Pacific Collegiate School
Award: \$200,000

County: Los Angeles
LEA: Los Angeles USD
School: Baldwin Hills Charter/LEARN Elementary and Magnet School
Award: \$200,000

Fiscal Analysis (as appropriate)

N/A

Attachment(s) to this Agenda Item



CALIFORNIA STATE BOARD OF EDUCATION

ITEM # 21

FEBRUARY 2003 AGENDA

SUBJECT High Priority Schools Grant Program Implementation Grant Awards	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

Approve applications for Aspire Public, Castlemont Senior High, Webster Academy, and Oakland Charter Academy in the Oakland Unified School District.

Summary of Previous State Board of Education Discussion and Action

At its January 2003 meeting, the Board approved Fremont Senior High in the Oakland Unified School District to participate in the High Priority Schools Grant Program.

In accordance with EC 52055.610 (c)(3) (Chapter 42, Statutes of 2002), Department staff has continued to provide technical assistance over the summer and fall to the few schools whose applications were either disapproved or were granted a waiver.

Summary of Key Issue(s)

Assembly Bill 961 established the High Priority Schools Grant Program (HPSGP). This program is intended to assist the lowest performing schools in the state in raising student achievement by offering additional resources targeted to student performance. All schools that rank in decile 1 according to the statewide 2000 Academic Performance Index (API) were invited to participate in this program.

Selected schools will receive \$400 per student with a \$200 per student matching requirement. Schools currently participating in the II/USP will receive an additional \$200 per student. The goal of the HPSGP is to ensure that these additional resources will assist participating schools in implementing changes to improve pupil performance. Lack of significant progress after thirty-six months can result in interventions or sanctions by the State Board of Education and the Superintendent of Public Instruction.

Eligible schools were required to submit a completed application to the Department on or before May 15, 2002. A few schools that could not meet the May 15 deadline submitted waivers to the Board for approval to extend the submission deadline. In reviewing these applications, staff read a six-page narrative summary of seven key elements contained in each school's action plan. Department staff also conducted a separate review of action plans budgets. Districts were given the opportunity to revise budget documents that were incorrectly calculated. Finally, staff also completed a technical review of each application to ensure that all required forms, signatures and assurances were included with the narratives.

Fiscal Analysis (as appropriate)

The Legislature has appropriated \$217 million in FY 2002-03 for this program. Proposed mid-year reductions do not affect the appropriations for these original schools. There is still enough money in the line item to fund all of the schools considered at the February Board.

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

List of schools recommended for approval.

SCHOOLS RECOMMENDED FOR APPROVAL

CDS Code	County	District	School	Grant Award
01612596117568	Alameda	Oakland	Aspire Public	\$145,600
01612590132092	Alameda	Oakland	Castlemont Senior High	\$378,600
01612596111660	Alameda	Oakland	Oakland Charter Academy	\$ 66,000
01612596002240	Alameda	Oakland	Webster Academy	\$393,600
				\$983,800

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: January 27, 2003

From: SUE STICKEL, Deputy Superintendent

Re: ITEM # 21

**Subject HIGH PRIORITY SCHOOLS GRANT PROGRAM IMPLEMENTATION
GRANT AWARDS**

Approve application for Stonehurst Elementary located in Oakland Unified School District. Staff received Stonehurst's application after the original Board item for February 2003 was submitted. Upon review of the action plan and application staff recommends approval.

CDS Code	County	District	School	Grant Award
01612596002190	Alameda	Oakland	Stonehurst Elementary	\$156,600



FEBRUARY 2003 AGENDA

SUBJECT Approval of 2002 – 2003 Consolidated Applications	X	ACTION
		INFORMATION
		PUBLIC HEARING

Recommendation:

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the 2002-2003 Consolidated Application (ConApps) submitted by Local Educational Agencies (LEAs). It is anticipated that some charter schools will be submitted for action at the February SBE meeting.

Summary of Previous State Board of Education Discussion and Action

To date, the SBE has approved ConApps for 1,131 LEAs. There is one remaining school district to be approved and additional charter schools. This is the second year LEAs have completed, and submitted the ConApp via a software package downloaded from the Internet. This mechanism substantially decreased calculation errors and the time needed for review and approval.

Each year the CDE, in compliance with California Code of Regulations, Title 5, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs.

There are 16 state and federal programs that LEAs may apply for in the ConApp. Approximately \$2.4 billion is distributed annually through the ConApp process. The state funding sources include: School Improvement Program, Economic Impact Aid (which is used for State Compensatory Education (SCE) and/or English Learners), Miller-Unruh, Tobacco Use Prevention Education, 10th Grade Counseling, Peer Assistance and Review, and School Safety (AB 1113). The federal funding sources include: Title I, Part A Basic Grant (Low Income); Title I, Part A (Neglected); Title I, Part D (Delinquent); Title II, Part A (Teacher Quality); Title II, Part D (Technology); Title III, Part A (LEP Students); Title IV, Part A (SDFSC); Title V, Part A (Innovative); and Title VI, Part B (Rural, Low-Income).

Summary of Key Issue(s)

ConApps are presented to the SBE for approval after they have been reviewed. Their recommendation status depends on completeness of the application and the status of outstanding compliance issues.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

The list of LEAs recommended for approval will be submitted with the Supplemental Agenda.



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
Revision to the <i>California State Plan (1999-2004) for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act</i>		INFORMATION
(revised May 30, 2002)		PUBLIC HEARING

Recommendation:

Approve amended language for the revised California Adult Education State Plan.

Summary of Previous State Board of Education Discussion and Action

Last month, January 2003, this item was brought before the State Board of Education (SBE) for information. The Board indicated that they would approve these technical amendments to the California Adult Education State Plan when the item came back in February for action.

Background. In May 2002, SBE approved technical changes to the State Plan, as required by the U.S. Department of Education (USDE), which reflected performance levels projections for adult education core performance indicators. Those projections were included in a Board attachment, Summary of Adult Education Performance Data and Projections: 1999-2000, 2000-01, 2001-02, 2002-03, and 2003-04 (see Attachment I).

The State Plan technical wording changes presented to the Board, however, did not include the projections for education and work performance that were accepted by the Board. This item aligns the wording in the California State Plan (1999-2004) to what the Board approved in May 2002.

Summary of Key Issue(s)

This item is a technical “clean-up” of the materials presented to the State Board of Education (SBE) in May 2002. There are three changes to the current Adult Education State Plan:

1. On page 4 of 7 in Attachment II, section 5.3, the ABE Literacy Skills table, the projected performance level for High Intermediate Basic Skills has been changed from 22% to 26%.
2. On page 4 of 7 in Attachment II, section 5.3, the ABE Literacy Skills table, the projected performance level for High ASE has been changed from 12% to 13%.
3. On page 5 of 7 in Attachment II, the table, “Education or Work Performance Goals and Performance” has been inserted; this table duplicates of Table 2 in Attachment 1.

These changes align the wording in the California State Plan (1999-2004) to what the Board approved in May 2002.

Fiscal Analysis (as appropriate)

None

Attachment(s)

[Attachment I](#): Summary of Adult Education Performance Data and Projections: 1999-2000, 2000-01, 2001-02, 2002-03, and 2003-04 (page 1)

[Attachment II](#): Chapter 5 of the *California State Plan (1999-2004) for the Title II: Workforce Investment Act, Adult Education and Family Literacy Act* (revised May 30, 2002) (pages 1-6)

NOTE: The proposed amendments to the plan are underscored.

Summary of Adult Education Performance Data and Projections 1999-2000, 2000-01, 2001-02, 2002-03, and 2003-04

Table 1 - Goals And Performance

Entering Functioning Level	1999-2000 Perfor. Goal	1999-2000 Perfor. Goal (All learners)	2000-01 Perfor. Goal	2000-01 Perfor. Goal (All learners)	2001-02 Perfor. Goal	Projected 2002-03 Perfor. Goal	Projected 2003-04 Perfor. Goal
ABE Beginning Literacy	13%	13.0%	15%	22.6%	17%	20%	22%
ABE Beginning Basic	20%	17.7%	22%	33.2%	24%	26%	28%
ABE Intermediate Low	20%	18.0%	22%	34.5%	24%	26%	28%
ABE Intermediate High	22%	13.7%	24%	29.3%	26%	26%	28%
ASE Low	NA	1.7%	14%	13.6%	15%	15%	17%
ASE High	7%	18.5%	8%	26.9%	9%	11%	13%
ESL Beginning Literacy	18%	14.1%	20%	30.6%	22%	24%	26%
ESL Beginning	20%	12.5%	22%	26.7%	24%	24%	26%
ESL Intermediate Low	22%	27.2%	24%	37.0%	26%	28%	30%
ESL Intermediate High	22%	30.0%	24%	39.7%	26%	28%	30%
ESL Advanced Low	18%	13.0%	20%	21.7%	22%	22%	24%

Table 2 - Education or Work Performance Goals and Performance

Learner Education or Performance Goal	1999-2000 Performance Goal	1999-2000 Performance (Students w/ Education or Employment Goal)	1999-2000 Performance (Total Students)	2000-01 Performance Goal	2000-01 Performance (Students w/ Education or Employment Goal)	2001-02 Performance Goal	Projected 2002-03 Performance Goal	Projected 2003-04 Performance Goal
Entered Employment	10,000	11,068	33,599	9%	17.8%	10%	11%	13%
Retained Employment	18,000	25,877	55,256	11%	34.3%	12%	13%	15%
Entered Postsecondary Education/Training	23,000	392	8,287	6%	11.7%	7%	8%	10%

Chapter 5

Performance Measures

Section 224(b)(4) requires a description of the performance measures described in Section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the state or outlying area.

5.0 Performance Measures (Section 224(b)(4))

Pursuant to Section 212, CDE will establish and implement a comprehensive performance accountability system. To optimize the return on investment of Federal funds in adult education and literacy activities, the accountability system will assess the effectiveness of eligible local providers' achievement in continuously improving their adult education and literacy program delivery funded under this subtitle. All of the performance measures will apply to all funded priorities.

CDE has established a solid basis for the development of a performance accountability system. For many years, California adult education programs have provided a competency based curriculum, instruction, and assessment that focuses on the competencies that enable learners to participate more fully within American society, as citizens, workers and family members. CDE has developed and implemented model curriculum standards for ABE, ESL, which includes ESL-Citizenship, and ASE and standard performance descriptors at each program level. In addition, a Comprehensive Adult Student Assessment System (CASAS) was established that accurately measures progress and mastery of skills and competencies for completion of a program level and promotion to the next instructional level. CASAS provides a standardized reporting scale linked to demonstrated performance of identified skills and competencies at each instructional level. These skill level descriptors and standardized scale score ranges have been incorporated into the National Reporting System pilot project.

CDE has also implemented a local program database reporting system, Tracking of Programs and Students (TOPSpro) that enables local programs to collect and report all student progress and outcome measures. It provides student, class, and program reports that enable local providers to have immediate access to the data for targeting instruction based on student goals and for continuous program improvement. It provides for the collection of the data elements needed to meet the reporting requirements of TANF programs and other workforce related programs.

5.1 Eligible Agency Performance Measures (Section 212)

Eligible local provider performance measures will include student goal attainment and demonstrated student improvements in literacy levels within a program level, student completion of a program level, student advancement to higher program levels. Additional performance measures will include receipt of a secondary school diploma or its recognized equivalent, placement in post-secondary education, and training, entered employment, and retained employment.

The tables within this section (5.1) indicate the measures, including CASAS assessment instruments that are to be used to document improvements in literacy performance. These measures must be used by all providers for all enrolled students for each of the program priorities addressed. These priorities, described in Chapter 3, include: (1) literacy at the NALS Level 1, including ABE and ESL, which includes ESL-Citizenship; (2) literacy at the NALS Levels 1 and 2 - Workplace Literacy, including ABE and ESL, which includes ESL-Citizenship; (3) literacy at the NALS Level 2 - School Based literacy, including ABE and ESL, which includes ESL-Citizenship; (4) Family Literacy; and (5) ASE NALS Level 3 and above. Programs using distance learning as a mode for delivering literacy services must also meet performance measures. In addition to these measures, local providers funded for the family

literacy priority must also document achievement gains of the children as well as the adults who are enrolled in the program.

In accordance with Section 212, CDE will establish levels of performance for each of the core indicators:

1. demonstrated improvements in literacy skill levels in reading and problem solving, numeracy, writing, English language acquisition, speaking the English language, and other literacy skills;
2. placement in, retention in, or completion of postsecondary education, training, and employment; and
3. receipt of a secondary school diploma or its recognized equivalent.

They will be expressed in an objective, quantifiable, and measurable form, and will show the progress of the eligible local providers in continuously improving performance.

1. Demonstrated improvements in literacy skill levels

CDE has established literacy skill levels for ABE and ESL, which includes ESL-Citizenship, that provide a standardized definition for reporting learning gains within a literacy skill level, completion of each level, and progression to a higher literacy skill level. All participating agencies will assess a student's literacy skill level upon entry into the program using standardized assessments provided by CDE.

CASAS Standardized Assessment Instruments

Demonstrated Improvements in Literacy Skill Levels in:	Existing Standardized Assessment Instruments	In Progress/Planned
Reading and Problem Solving	Reading Appraisals Life Skills Reading Employability Reading Beginning ESL Level Completion Life and Work Reading Reading for Citizenship	Beginning ABE Level Completion Intermediate ABE and ESL Level Completion Advanced ABE and ESL Level Completion
Numeracy	Math Appraisals Life Skills Math Employability Math	Beginning ABE Level Completion Intermediate ABE Level Completion Advanced ABE level Completion Life and Work Math
Writing	Functional Writing Assessment--All Levels	
English Language Acquisition	Life Skills Listening Employability Reading Beginning ESL Level Completion	Intermediate ESL Level Completion Advanced ESL Level Completion Life and Work Listening
Speaking	Citizenship Interview Test Workplace Oral Assessment	ESL Oral Language Assessment
Other Literacy Skills	Pre-Employment and Work Maturity Skills Check Lists Government and History for Citizenship POWER — Providing Options for the Workplace, Education, and Rehabilitation	

2. Placement in, retention in, or completion of post-secondary education, training, or unsubsidized employment

Local providers will be required to obtain this information from their students and document the information on the TOPSpro Student Update Record. Standard definitions and documentation procedures will be identified in the ABE Administration Manual. In some instances, students leave programs before this information can be obtained. To address the accurate data collection of both short term and longer-term student outcomes resulting from participation in adult education programs, CDE will establish several pilot projects, including, but not limited to, the following:

Placement in, retention in, or completion of:	Existing Standardized Reporting Instruments
Postsecondary Education and Training	TOPSpro and follow-up survey
Entered Employment	TOPSpro and follow-up survey
Retained-Employment	TOPSpro and follow-up survey

- Local program reporting: CDE will build on the National Reporting System (NRS) pilot to improve strategies that local providers use to follow-up on students who leave the program before completing their goal as well as for students who leave the program after meeting their primary goals.
- Data Matching: CDE will identify the issues in developing and using a state level database that requires use of a student social security number to document longer-term student outcomes, such as those related to employment.

3. Attainment of secondary school diplomas or their recognized equivalent

Participating local providers will track and report the number of learners who pass the GED test, earn credits toward a high school diploma, or attain a high school diploma for those students enrolled in ASE programs. In addition, summary data obtained through CDE statewide reports will document the number of high school diplomas earned through adult schools. The State GED office will report the number of GED Certificates issued each calendar year.

Receipt of a secondary school diploma or GED	Existing Standardized Reporting Instruments
High School Diploma	TOPSpro Certified list of high school diplomas
GED Certificate	CDE State GED Reports Data match for GED TOPSpro

5.2 Additional Indicators

Participating local providers will report additional indicators of performance for student-identified outcomes on Student Entry and Update Records. Entry Record information includes: instructional program, instructional level, reason for enrollment, special programs enrollment, personal status, and, labor force status. Update information includes: instructional program and level (at the time of update); student’s status in the instructional program; learner results pertaining to work, personal/family, community, and education; reason for leaving early; sub-sections of GED passed; and high school credits earned. Additional information may be required for workplace literacy and family literacy programs.

5.3 Levels of Performance

The following Levels of Performance are based on student progress and outcome data from federally funded ABE 321 providers in California over the past several years. During the first year of the five-year state plan, local providers began collecting progress and level completion data on students throughout the program year. Local providers used the data gained during the first year of the program to reassess and adjust their projected levels of performance for the second program year. Likewise, third year performance level projections are based on the prior year’s data. Performance projections for years four and five will be based on a weighted average of actual annual data from the 1999-2000 and 2000-2001 program years and other factors identified in Section 5.4, to (1) offset unmeasured student progress due to a new data collection requirement in the first year of the Title II of the Workforce Investment Act and (2) quantify a more accurate picture of actual performance — the proportion of students who completed an instructional level within a specific program year. Given the need to show continuous improvement, the performance goals for the fifth program year will be two percentage points above performance goals of the fourth program year — 2002-2003.

ABE Literacy Skills–Adjusted Levels of Performance

ABE	Ranges	Content Areas						Gains	Achieved Performance Levels			Projected Performance Levels		
		Reading	Listening	Speaking	Writing	Problem Solving	Numeracy		CASAS Point Scale	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004
Skill Level	CASAS Scale													
Beg. Literacy	200 & below	x	0	0	0	0	x	3-5 pt.	13%	15%	17%	20%	22%	
Beg. Basic Skills	201-210	x	0	0	0	0	x	4-6 pt.	20%	22%	24%	26%	28%	
Low Inter. Basic Skills	211-220	x	0	0	0	0	x	3-5 pt.	20%	22%	24%	26%	28%	
High Inter. Basic Skills	221-235	x	0	0	0	0	x	3-5 pt.	22%	24%	26%	22 26 %	28%	
Low ASE***	236-245			0	0			TBN	NA	14%	15%	15%	17%	
High ASE	246+					0		TBN	7%	8%	9%	11%	12 13 %	

x = State approved standardized tests

o = Local provider documentation based on standardized protocols, established criteria, and performance standards

***ASE = Adult Secondary Education

ESL Literacy Skills–Adjusted Levels of Performance

ESL	Ranges	Content Areas						Gains	Achieved Performance Levels			Projected Performance Levels	
		Reading	Listening	Speaking	Writing	Problem Solving	Numeracy		CASAS Point Scale	1999-2000	2000-2001	2001-2002	2002-2003
Skill Level	CASAS Scale												
Beg. Literacy	150-180	x	x		0			5-7 pt.	18%	20%	22%	24%	26%
Beg. Low	181-190	x	x		0			5-7 pt.	20%	22%	24%	24%	26%
Beg. High	191-200	x	x	0	0	0		5-7 pt.	20%	22%	24%	24%	26%
Inter. Low	201-210	x	0	0	0	0	x	4-6 pt.	22%	24%	26%	28%	30%
Inter. High	211-220	x	x	0	0	0	x	3-5 pt.	22%	24%	26%	28%	30%
Adv. Low	221-235	x	x	0	0	0	0	3-5 pt.	18%	20%	22%	22%	24%
Prgm. Exit	236+	x	x	0	0	0	0	NA	NA	NA	NA	NA	NA

x = State approved standardized tests
o = Local provider documentation based on standardized protocols, established criteria, and performance standards

Education or Work Performance Goals and Performance

<u>Learner Education or Performance Goal</u>	<u>1999-2000 Performance Goal</u>	<u>1999-2000 Performance Goal</u> <i>(Students w/ Education or Employment Goal)</i>	<u>2000-01 Performance Goal</u>	<u>2000-01 Performance Goal</u> <i>(Students w/ Education or Employment Goal)</i>	<u>2001-02 Performance Goal</u>	<u>2002-03 Performance Goal</u>	<u>2003-04 Performance Goal</u>
<u>Entered Employment</u>	<u>10,000</u>	<u>11,068</u>	<u>9%</u>	<u>17.8%</u>	<u>10%</u>	<u>11%</u>	<u>13%</u>
<u>Retained Employment</u>	<u>18,000</u>	<u>25,877</u>	<u>11%</u>	<u>34.3%</u>	<u>12%</u>	<u>13%</u>	<u>15%</u>
<u>Entered Postsecondary Education/ Training</u>	<u>23,000</u>	<u>392</u>	<u>6%</u>	<u>11.7%</u>	<u>7%</u>	<u>8%</u>	<u>10%</u>

5.4 Factors (Section 212(b)(3)(A)(iv))

Student progress and outcome data in California indicate significant differences in levels of performance based on individual student characteristics. These characteristics include initial literacy skill level upon entry into the program, literacy levels of limited English proficient students in their home language, the number of years of education completed before entering the adult education program, learning and developmental disabilities, and other demographic and socio-economic variables. California serves large numbers of students who are most in need, including immigrants with low literacy skills in their native language as well as in English, institutionalized adults, adults in homeless shelters, migrant workers, and those that are unemployed or underemployed in hourly, minimum wage jobs. Therefore, with the emphasis on serving those students who are most in need and hardest to serve, California devotes only 10 percent of its federal allotment to those students who have higher-level skills.

Service delivery factors also affect performance such as the intensity, duration, and quality of the instructional program; convenience and accessibility of the instructional program; ability of the program to address specific learning goals and provide targeted instruction in a competency-based context related directly to student goals.

California serves an extremely diverse adult student population with a broad range of skill levels and different short and long term learning goals. Many students initially enter the program with a short-term goal but as they make progress toward their goal and experience success, they remain in the program to achieve longer term learning goals. Some, such as TANF/CalWORKs recipients and the homeless, may be unable to attend an instructional program on a regular basis because of time limits on educational participation. As a result, the performance measures must address both short and long-term goals, length of participation, initial skill levels at program entry, and use multiple student performance measures related to student goals.

Based on student characteristics and service delivery factors, CDE has identified expected levels of performance for each of the core indicators provided for ABE and ESL, which includes ESL-Citizenship, programs. The projected skill levels for each of these programs are indicated for the first three years covered by this *State Plan*. CASAS Scale Score ranges at each level address the significant differences in performance for the special and diverse populations that are served by local providers. Local providers must be encouraged to continue to serve the least educated and most in need, and to evaluate with measures of performance that are most appropriate for the populations they serve. Over the five-year period of this *State Plan*, these ranges will be analyzed and adjusted as appropriate to ensure that California continues to promote continuous improvement in performance on appropriate measures and ensure optimal return on the investment of Federal funds.

Further Information—Annual Report

CDE will annually prepare and submit to the Secretary a report on the progress of California in achieving the stated performance measures, including information on the levels of performance achieved on the core indicators of performance. The report will include the demographic characteristics of the populations served, the attainment of student goals, progress on the core indicators of performance by program and program level, and learning gains within literacy levels, as well as level completion and movement to higher instructional levels. In the third year of the State plan, CDE will begin to report the number of Certificates of Proficiency awarded by program level. Sub-set analyses of special populations groups will be provided and adjustments to levels of performance for these groups may be recommended based on the findings.

Levels of performance achieved for other core indicators will include student outcomes related to post-secondary education, training, unsubsidized employment or career advancement, and receipt of a high school diploma or GED Certificate.

5.5 Performance Measures for EL Civics Education

Funded providers will establish observable, measurable, and meaningful goals and objectives for participants in programs that are either uniquely funded by EL Civics Education funds or supplemented by them.

All funded providers will use the CASAS assessment, evaluation, and data collection system to document participant outcomes as required in Section 212. The State will provide funded agencies all the necessary software and test forms necessary for efficient implementation of this assessment process. Given the innovative nature of the EL Civics Education initiative and the range of targeted outcomes that extend beyond literacy gains that can be easily captured on pencil and paper tests, in addition to CASAS assessments, providers must also develop and/or utilize alternative strategies for documenting student outcomes. All such strategies must yield clearly identified observable, measurable, and meaningful outcomes. Providers receiving supplemental EL Civics Education funds will be required to submit a qualitative narrative report that documents the outcomes that were achieved through access to this additional allocation.

All funded programs will be required to have participants submit demographic and other student outcome information through completion of student Entry and Update records. The TOPSpro data collection system collects and transmits the required data in an acceptable format.



FEBRUARY 2003 AGENDA

SUBJECT: Appointments to Curriculum Development and Supplemental Materials Commission and Child Nutrition Advisory Council.	<input checked="" type="checkbox"/> ACTION
	<input checked="" type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Take action as the State Board deems necessary and appropriate regarding appointments to the Curriculum Development and Supplemental Materials Commission and the Child Nutrition Advisory Council.

Summary of Previous State Board of Education Discussion and Action.

The State Board appoints members to the Curriculum Development and Supplemental Materials Commission and the Child Nutrition Advisory Council in keeping with various provisions of law. There is one vacancy on the Curriculum Development and Supplemental Materials Commission as of the agenda printing deadline, and the possibility of a second vacancy by the time of the February State Board meeting. There are also two vacancies on the Child Nutrition Advisory Council.

Summary of Key Issue(s).

N/A.

Fiscal Analysis (as appropriate).

N/A.

Background Information attached to this Agenda Item.

Recommendations of individuals to fill the vacancies on the Curriculum Development and Supplemental Materials Commission and the Child Nutrition Advisory Council will be addressed in a supplemental memorandum.

CALIFORNIA STATE BOARD OF EDUCATION

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February 4, 2003

To: Members, State Board of Education

A handwritten signature in black ink that reads "Greg Geeting". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

From: Greg Geeting, Assistant Executive Director

Subject: Item 24, February 2003 Agenda
Appointments to Curriculum Development and Supplemental Materials
Commission and Child Nutrition Advisory Council

In December 2002, the State Board appointed Nancy Aaberg to the Curriculum Development and Supplemental Materials Commission (Curriculum Commission). Subsequently, Ms. Aaberg found it necessary to decline the appointment.

During the interview process in December, the members of the State Board's Screening Committee recognized the potential that Ms. Aaberg might find it necessary to decline the appointment. In that case, the Screening Committee members recommended that the following individual be appointed:

Kerry Hamill
President, Board of Education
Oakland Unified School District

A 1982 graduate of San Francisco State (Journalism), Ms. Hamill worked for six years as a reporter for the *Mill Valley Record* and the Leshner Newspaper Group. During more than 12 years, she served several elected officials in such capacities as media and policy advisor, education liaison, and chief of staff, including then-Assembly Member John Burton, Oakland Mayor Elihu Harris, and Assembly Member (later Senator) Don Perata. She was elected to the Oakland Unified School District's Board of Education in 2000. Staff recommend that Ms. Hamill be appointed to the Curriculum Commission for a four-year term ending December 31, 2006, pursuant to Education Code Section 33530.

Staff had anticipated the possibility of filling a current vacancy on the Child Nutrition Advisory Council based on the recommendation of First Lady Sharon Davis. However, we are not prepared to make a recommendation to fill the position at this time.

Cc: CDE Executive Staff



FEBRUARY 2003 AGENDA

SUBJECT: 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Take action on 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Education Code Sections 47612.5 and 47634.2, based upon the review of the requests and the recommendations prepared by the Advisory Commission on Charter Schools and the California Department of Education.

Summary of Previous State Board of Education Discussion and Action.

Senate Bill 740 (Chapter 892, Statutes of 2001) enacted provisions of law calling upon charter schools to prepare and the State Board to act upon determination of funding requests relating to pupils who receive nonclassroom-based instruction (in excess of an amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). The State Board adopted regulations (in keeping with SB 740) to define certain terms and establish criteria for the evaluation of determination of funding requests. The State Board also established the Advisory Commission on Charter Schools to provide (among other things) recommendations on the implementation of the provisions of SB 740.

Summary of Key Issue(s).

Under SB 740, an approved determination of funding is required (beginning in 2001-02) in order for a charter school to receive funding for pupils receiving nonclassroom-based instruction (in excess of the amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). Beginning in 2002-03, determination of funding requests are allowed for multiple years. All requests in 2001-02 were for that year only.

The Advisory Commission on Charter Schools is scheduled to consider a number of 2002-03 (and beyond) determination of funding requests at its meeting on January 21, 2003.

Fiscal Analysis (as appropriate).

A determination of funding request approved at less than the 100 percent level may result in slightly reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. However, if total claims for Proposition 98 funding are greater than available funds in a given year, then the reduction in apportionments attributable to nonclassroom-based instruction may be regarded as a reduction in the deficit for that year.

Background Information attached to this Agenda Item.

The listing of specific recommendations, as well as information submitted by each school and the analysis of that information prepared by CDE staff, will be provided as a supplement.

CALIFORNIA STATE BOARD OF EDUCATION

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January 27, 2003

To: Members, State Board of Education

From: Greg Geeting, Assistant Executive Director

Subject: Item 25, February 2003 Agenda
 2002-03 (and beyond) Determination of Funding Requests

The tables below reflect the recommendations of the Advisory Commission on Charter Schools and California Department of Education staff regarding 2002-03 (and beyond) determination of funding requests submitted by charter schools. Except as noted, all Advisory Commission recommendations were by unanimous vote of the members present.

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#26	Twin Ridges Home Study	100%	One year only 2002-03
#152	Circle of Independent Learning	100%	One year only 2002-03
#270	W.E.B. Dubois Public Charter	100%	One year only 2002-03
#378	Carter G. Woodson Charter Academy	100%	One year only 2002-03
#395	Eleanor Roosevelt Community Learning Center	100%	One year only 2002-03
#424	Wonder to Wisdom	100%	One year only 2002-03
#477	Connecting Waters Charter School	100%	One year only 2002-03
#492	Pathways Charter School	100%	One year only 2002-03

The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Members, State Board of Education
Item 25, February 2003 Agenda
 2002-03 (and beyond) Determination of Funding Requests
 January 27, 2003
 Page 2

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#421	Olive Grove Home Study Charter	100%	Three years 2002-03, 2003-04, and 2004-05

The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 and beyond are that (1) the school met the minimum criteria specified in regulation for the 100 percent level and (2) the school presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the school to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#165	Camptonville Academy	80%	One year only 2002-03
#267	Julian Charter School	80%	One year only 2002-03
#282	Eagles Peak Charter School	80%	One year only 2002-03

The 80 percent level, as recommended, is consistent with the level specified in statute for 2002-03. No reasons justifying a higher or lower level are necessary.

Charter #	Charter School Name	Recommended Level	Recommended Year(s)
#44	West Park Charter Academy	70%	One year only 2002-03
#270	Wheatland Charter Academy	70%	One year only 2002-03

The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria.

Information regarding each of the above-mentioned determination of funding requests is presented in attachments to this memorandum.

Attachments

Cc: CDE Executive Staff



FEBRUARY 2003 AGENDA

SUBJECT	X	ACTION
Legislative Update: Including, but not limited to, information on committee appointments and legislation	X	INFORMATION
		PUBLIC HEARING

Recommendation:

Information only – no recommendation pending

Summary of Previous State Board of Education Discussion and Action

The State Board regularly considers and takes action on matters related to the implementation of legislation and the initiation and support of changes in statute.

Summary of Key Issue(s)

N/A

Fiscal Analysis (as appropriate)

N/A

Attachment(s)

In order to provide the most-up-to-date information, an updated packet will be provided just prior to the State Board of Education meeting.

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: February 4, 2003

From: B. Teri Burns

Re: ITEM #26

Subject: LEGISLATIVE UPDATE

Attachments	Page
AB1x 8 Current Year Education Budget Package summary	Page 2
SBE bills of interest	Page 5
Agenda Assembly Education Committee Assessment Hearing	Page 9
Agenda Assembly Education Committee English Language Learner Hearing	Page 11

Accountability-SBE	
AB 8 Daucher A-01/23/2003	<p>Summary: Existing law establishes various school improvement programs to increase pupil performance in elementary, middle, and high schools. This bill would require the Superintendent of Public Instruction to establish a 3-year pilot program entitled the "County Achievement Team Pilot Program" to be administered by the Riverside County Office of Education. The bill would require the Superintendent of Public Instruction to direct the Riverside Office of Education to convene an achievement team with members chosen from specified fields for the purpose of auditing participating schools in Riverside County. The bill would require each achievement team to collaborate with its participating school to develop an action plan to increase school performance. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/27/2003-Re-referred to Com. on ED.</p>
Accountability-SBE	
AB 96 Bermudez I-01/08/2003	<p>Summary: Existing law provides for the development of the Academic Performance Index (API), a statewide ranking system to measure school performance. Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to rank all public schools in decile categories by grade level of instruction provided, based on their pupils' API results. Various provisions of existing law designate a school as a "low-performing" school, based on its decile rank. This bill would, instead, designate those schools as "high-priority" schools.</p> <p>Status: 01/16/2003-Referred to Com. on ED.</p>
Assessment & Standards-SBE	
AB 36 Wyland I-12/02/2002	<p>Summary: Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, designated achievement tests. This bill would encourage the governing board of a school district to discuss STAR test scores and to analyze the results of those assessments. The bill would authorize the governing board of a school district with a school not meeting a certain specified standard to adopt an improved performance plan. This bill contains other existing laws.</p> <p>Status: 01/13/2003-Referred to Com. on ED.</p>
Budget Issues-SBE	
AB 31 Runner I-12/02/2002	<p>Summary: Existing law provides 2 revenue limit equalization adjustments for each school district for the 2003-04 fiscal year. This bill would repeal one of these equalization adjustments for the 2003-04 fiscal year. The bill would appropriate \$203,000,000 from the General Fund to the Superintendent of Public Instruction for the 2003-04 fiscal year in augmentation of the amount appropriated for purposes of the remaining equalization adjustment. This bill contains other related provisions.</p> <p>Status: 01/13/2003-Referred to Com. on ED.</p>
Budget Issues-SBE	
AB 100 Oropeza I-01/10/2003	<p>Summary: This bill would make appropriations for support of state government for the 2003-04 fiscal year. This bill contains other related provisions.</p> <p>Status: 01/21/2003-Referred to Com. on BUDGET.</p>
Budget Issues-SBE	
ABX1 2 Bogh I-01/13/2003	<p>Summary: The California Constitution requires the Legislature to pass a Budget Bill by June 15 of each year for the fiscal year commencing on July 1. Existing law provides that no state officer or employee shall be deemed to have a break in service or to have terminated his or her employment, for any purpose, nor to have incurred any change in his or her authority, status, or jurisdiction or in his or her salary or other conditions of employment, solely because of the failure to enact a Budget Act for a fiscal year prior to the beginning of that fiscal year. Under the California Constitution, money may be drawn from the Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant. This bill would continuously appropriate from the General Fund an amount to be made available for the payment of compensation to specified state public safety employees for work performed on or after July 1 of a fiscal year for which no budget has been enacted. It would provide that compensation, at the rate in effect at the expiration of the last fiscal year for which a budget was enacted, shall be paid to state civil service employees in State Bargaining Unit 2, California Attorneys, Administrative Law Judges and Hearing Officers in State Employment; Unit 5, California Association of Highway Patrolmen; Unit 6, California Correctional Peace Officers Association; Unit 7, California Union of Safety Employees; and Unit 8, California Department of Forestry Firefighters, and the supervisors of those employees. This bill contains other related provisions.</p> <p>Status: 02/03/2003-Referred to Com. on BUDGET.</p>

Budget Issues-SBE	
ABX1 8 Oropeza A-02/03/2003	<p>Summary: Existing law requires the State Board of Education to adopt standards and criteria to be used by local educational agencies in the development of annual budgets and the management of subsequent expenditures from that budget. Existing law requires those standards and criteria to include comparisons and reviews of reserves and fund balances. This bill would, notwithstanding any provision of law, authorize a local education agency to count any amount of state funding deferred from the current fiscal year and appropriated from a subsequent fiscal year for payment of current year costs as a receivable in the current year. The bill would, notwithstanding any provision of law and for the 2002-03 fiscal year only, authorize a local educational agency to use for purposes determined by its governing body up to 50% of its reserves for economic uncertainties and up to 50% of the balances, as of July 1, 2002, of restricted accounts in its General Fund, excluding restricted reserves committed for capital outlay, bond funds, sinking funds, and federal funds. The bill would state the intent of the Legislature that local educational agencies use this flexibility for certain purposes and make every effort to maintain a prudent expenditure plan that ensures solvency for the 2002-03 fiscal year and in subsequent fiscal years. This bill contains other related provisions and other existing laws.</p> <p>Status: 02/03/2003-In Assembly. Concurrence in Senate amendments pending. May be considered on or after February 5 pursuant to Assembly Rule 77.</p>
Budget Issues-SBE	
SB 53 Chesbro I-01/10/2003	<p>Summary: This bill would make appropriations for support of state government for the 2003-04 fiscal year. This bill contains other related provisions.</p> <p>Status: 01/13/2003-Read first time.</p>
Curriculum & Instructional Materials-SBE	
AB 12 Goldberg I-12/02/2002	<p>Summary: Existing law authorizes the governing boards of school districts to adopt instructional materials for use in school districts. This bill would require each governing board, when adopting materials in specified subject matters, to adopt those materials in a manner that will provide each pupil with materials appropriate for his or her reading level. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/13/2003-Referred to Com. on ED.</p>
Curriculum & Instructional Materials-SBE	
AB 78 Reyes I-12/23/2002	<p>Summary: Under existing law, the adopted course of study for grades 7 to 12, inclusive, is required to include instruction in the social sciences, as prescribed. This bill would express the encouragement of the Legislature for that instruction to contain instruction on the Vietnam War and the role of the Hmong people in that war. The bill would additionally express the encouragement of the Legislature that the instruction include a component drawn from personal testimony of Hmong people who were involved in the Vietnam war and those men and women who contributed to the war effort on the homefront.</p> <p>Status: 01/13/2003-Referred to Com. on ED.</p>
Curriculum & Instructional Materials-SBE	
HR 9 Firebaugh I-01/16/2003	<p>Summary:</p> <p>Status: 01/23/2003-Referred to Com. on RLS.</p>
Curriculum & Instructional Materials-SBE	
SB 5 Karnette I-12/02/2002	<p>Summary: Existing law encourages the establishment of programs of instruction in foreign language in grades 1 to 6, inclusive, and requires the adopted course of study for grades 7 to 12, inclusive, to include a foreign language, beginning not later than grade 7. This bill would require the State Department of Education, on or before January 1, 2006, to adopt content standards for teaching foreign languages in grades 1 to 12, inclusive, pursuant to recommendations developed by the Superintendent of Public Instruction. The bill would authorize school districts to use the content standards to develop language programs and would require the department, upon the adoption of the standards to provide publishers of instructional materials with an outline of foreign language content expectations.</p> <p>Status: 01/08/2003-To Com. on ED.</p>

Governance-SBE	
SB 6 Alpert I-12/02/2002	<p>Summary: Existing law provides for a county superintendent of schools in each county to, among other things, superintend the schools in his or her county, maintain responsibility for fiscal oversight of school districts, and enforce the course of study. This bill would impose a state-mandated local program by requiring each county superintendent of schools to perform additional duties relating to education services, professional development, parental grievances, fiscal oversight, technology access, and facility compliance. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/08/2003-To Com. on ED.</p>
NCLB-SBE	
AB 51 Simitian I-12/02/2002	<p>Summary: Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land. This bill would require, upon the adoption or amendment of a city or county's general plan, on or after January 1, 2005, the land use element of the general plan to address the distribution of certain child care facilities. By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/13/2003-Referred to Com. on L. GOV.</p>
Safe Schools-SBE	
AB 115 Horton, Jerome I-01/14/2003	<p>Summary: Existing law requires the Superintendent of Public Instruction to make an assessment of \$500 against a school district or county office of education that willfully fails to make a report, as required. This bill would increase the penalty for a willful failure to make a report, as required, to \$5,000. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/23/2003-Referred to Com. on ED.</p>
School Finance-SBE	
AB 38 Reyes A-01/27/2003	<p>Summary: Existing law provides for emergency apportionments to school districts subject to specified conditions including, in certain circumstances, the repayment of an emergency loan over a period of no more than 10 years and the appointment by the Superintendent of Public Instruction of an administrator who would exercise the powers and responsibilities of the governing board of the school district. This bill would require the Superintendent of Public Instruction to assume all the rights, duties, and powers of the governing board of the school district and to appoint an administrator to act on behalf of the Superintendent of Public Instruction in exercising the superintendent's authority over the school district. The bill would specify that the governing board of the school district is not to receive any compensation during the period of the superintendent's authority over the district. The bill would authorize the administrator to terminate the employment of certain district personnel, as provided. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/27/2003-In Senate. Read first time. To Com. on RLS. for assignment.</p>
School Finance-SBE	
SB 39 Perata I-01/03/2003	<p>Summary: Existing law authorizes the governing board of a school district that determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations to request an emergency apportionment through the Superintendent of Public Instruction subject to specified requirements and repayment provisions. This bill would appropriate from the General Fund an unspecified amount to the Superintendent of Public Instruction for the purpose of providing the Oakland Unified School District with an emergency loan. This bill contains other related provisions.</p> <p>Status: 01/08/2003-To Com. on ED.</p>
School Finance-SBE	

<p>SB 55 Ackerman I-01/14/2003</p>	<p>Summary: Existing law requires the state to reimburse local agencies and school districts for the cost of state-mandated local programs. This bill would provide that, for the period of January 1, 2004, through December 31, 2005, with specified exceptions, no new state-mandated local program shall become operative unless approved by a 2/3 vote of the Legislature, any state-mandated local program enacted prior to January 1, 2004, shall be suspended unless reenacted by a 2/3 vote of the Legislature, and no local agency shall be required to implement or give effect to any state-mandated local program that is not reimbursed by the state.</p> <p>Status: 01/27/2003-To Com. on RLS.</p>
<p>Teachers & Credentialing-SBE</p>	
<p>AB 97 Nation I-01/08/2003</p>	<p>Summary: Existing law, the Instructional Time and Staff Development Reform Program, requires the Superintendent of Public Instruction to provide each eligible school district, charter school, and county office of education with an allowance of \$270 per day, for up to 3 days, for each certificated classroom teacher or in the case of a charter school, for each classroom teacher, and \$140 per day, for up to one day, for each classified classroom instructional aide and certificated teaching assistant or in the case of a charter school, for each classroom instructional aide and assistant, who participates in staff development on instructional methods, conflict resolution, and academic content in the core curriculum areas that are provided by the school district, charter school, or county office of education. This bill would include emergency preparedness as curriculum that may be included in staff development. This bill contains other related provisions and other existing laws.</p> <p>Status: 01/16/2003-Referred to Com. on ED.</p>

High Stakes Testing: Issues

Wednesday, January 22, 2003
Capitol Building, room 4202 at 1:30 p.m.

Opening Comments and Introductions:

- Assemblymember Jackie Goldberg, Chair of the Assembly Education Committee

Why are high stakes tests important?

- Secretary for Education Kerry Mazzone

Panel: Standardized Testing and Society

How will high stakes tests affect society in general?

Californians for Justice:

- Mario Valencia, a student at East Side Union High School District
- Abdi Soltani, executive director of Californians for Justice
- Michelle Gonzaba, a student from the San Diego Unified School District

Research on Standardized Testing

What does research tell us about high stakes testing?

- Harold Berlak, Senior Research Fellow, Applied Research Center, Oakland.

Standardized Testing and its Impact on the Classroom

How does standardized testing affect students and teachers in the classroom?

- George Sheridan, elementary school teacher at Black Oak Mine School in El Dorado County.
- Shannon Carey, middle school EL teacher at Melrose Leadership Academy in Oakland
- Jim Lecuyer, high school English teacher; retired last year from at San Francisco's School of the Arts; taught previously at Woodrow Wilson High School, San Francisco
- Ben Adams teaches special education students, grades K-12 at Hamilton High School in Los Angeles.

Questions and Discussion

ASSEMBLY EDUCATION COMMITTEE

INFORMATIONAL HEARING

Effective Instructional Strategies for California's English Language Learner's

Wednesday, February 5, 2003
1:30pm, State Capitol, Room 4202

Opening Remarks and Introductions

Assemblymember Jackie Goldberg, Chair of the Assembly Education Committee

Overview of California's English Learner Population, Programs and Funding

Reed Hastings, President, State Board of Education

Robert Manwaring and Maryza Gutierrez, Legislative Analyst's Office

Rosalia Salinas, Director of Curriculum, San Diego County Office of Education

Panel: Best practices for English Language Learners

▪ **Issue: Why is English Language Development (ELD) important?**

Dr. Adel Nadeau, Professor, National University, Former Project Director for the California English Language Development Standards Project

▪ **Issue: English Language Program Models**

Mikki Cichocki, Chair of the CTA Language Acquisition Committee, Middle School Teacher, San Bernardino City Schools

▪ **Issue: Effective Writing and Language Development for Secondary English Learners**

Donna Heath, Project Director for Project WRITE, San Diego County Office of Education

▪ **Issue: What are the essential elements for the preparation of teachers of English Language Learners (ELs)?**

Dr. Alberto M. Ochoa, Chair, Policy Studies in Language and Cross-Cultural Education,
San Diego State University

▪ **Issue: What instructional materials and resources are necessary to ensure English learner's meet the State Content Standards?**

Pat Roehl, Coordinator of Title III, Fresno Unified School District

Hon. Jose Huizar, School Board Member, LAUSD

Adeline Sahoji, Assistant Principal, Cahuenga Avenue School, LAUSD

Panel: The Achievement Gap

Patricia Gándara, Associate Director of Policy, University of California, Davis

Shelly Spiegel-Coleman, Consultant, Los Angeles County Office of Education

Sara Shankin, Director MIS/Technology and Mark Cooley, Director of Bilingual Services/Instructional Support, Asuza Unified School District

Public Comment and Discussion Period

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2002 AGENDA
Item No. WC-1

TITLE: Request by Humboldt County Office of Education for a Waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332).	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="border-bottom: 1px solid black; width: 20px;"></td><td style="padding-left: 10px;">ACTION</td></tr> <tr><td style="border-bottom: 1px solid black; width: 20px;"></td><td style="padding-left: 10px;">INFORMATION</td></tr> <tr><td style="border-bottom: 1px solid black; width: 20px;"></td><td style="padding-left: 10px;">PUBLIC HEARING</td></tr> <tr><td style="border-bottom: 1px solid black; width: 20px; text-align: center;">X</td><td style="padding-left: 10px;">CONSENT</td></tr> </table>		ACTION		INFORMATION		PUBLIC HEARING	X	CONSENT
	ACTION								
	INFORMATION								
	PUBLIC HEARING								
X	CONSENT								
CDSIS: 8-12-2002									

RECOMMENDATION:

The Department recommends: X Approval Denial

Summary of Previous State Board of Education Discussion and Action:

This is a request for a waiver of the Section 131(d)(1) requirement. The State Board of Education has approved many of these Section 131(d)(1) waiver requests from districts in the past. SBE Waiver Policy #01-01 guidelines and additional documentation are used to review these waiver requests.

Summary of Key Issue(s):

Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-132) requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement. Section 131(d)(2) of the Act permits states to waive the consortium requirement in any case in which the local educational agency is (a) in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs; and (b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding. Humboldt County Office of Education meets the consortium waiver criteria and requests a waiver in order to receive its allocated funds.

CDE recommends the waiver be approved for two years to enable the district to receive funds for each of the two years remaining in the Act (scheduled to expire on June 30, 2004). The district's annual Perkins allocation is expected to be below the minimum grant requirement in each of the three years. No change is expected in the county's ability to meet the waiver criteria during this time period.

Background Information

Bargaining unit(s) consulted on: November 19 and 20, 2002

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Jim Williams

Local board approval date: December 11, 2002

Effective dates of request: July 1, 2002 through June 30, 2004

Authority for the waiver: P.L. 105-332, Section 131(d)(2)

Fiscal Analysis (as appropriate): Approval will enable Humboldt County Office of Education receive its allocated Perkins funds each year for program years 2002-2003 through 2003-2004.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-2

TITLE: Request by the Center Joint Unified School District to waive Title 5 CCR Section 11960, related to charter school attendance for the Antelope View Charter School .	<hr/> ACTION <hr/> INFORMATION <hr/> PUBLIC HEARING <hr/> X CONSENT
CDSIS: 5-12-2002	

RECOMMENDATION:

The Department recommends: Approval

As a condition of this waiver, Center Joint Unified School District agrees that: 1) the Antelope View Charter School will report attendance for a maximum of four tracks; 2) each track will provide a minimum of 180 days; 3) the charter will operate programs that provide at least the same total amount of instructional time as non-charter schools in the district; 4) no track will have fewer than 55 percent of its school days prior to April 15; and 5) average daily attendance (ADA) will be calculated in the same manner as is required of non-charter schools on multi-track year-round education calendars.

If approved, *Education Code* Section 33051(c) will apply, and the district will not have to reapply annually if the information contained on the request remains the same.

Summary of Previous State Board of Education Discussion and Action:

At its July 2002 meeting, the State Board of Education (SBE) approved the Charter School Average Daily Attendance Waiver Policy (#2000-05) that applies to this waiver.

Summary of Key Issue(s):

This waiver meets the conditions and criteria of the Charter School Average Daily Attendance Waiver Policy (#2000-05) approved by the SBE in July 2002.

The Center Joint Unified School District is requesting a waiver of Section 11960 of Subchapter 19 of Title 5 of the *California Code of Regulations* regarding charter school regular ADA for the Antelope View Charter School. The Center Joint Unified School District is requesting to waive the language in subsection (a) of Section 11960 that states, "Regular average daily attendance shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school."

This waiver is being requested because the Antelope View Charter School proposes to operate a multi-track year-round education calendar. As a result, the total number of days that school is actually taught is 236. However, each track of students will only be offered school for 180 days of instruction. Therefore, the waiver is requested to separately calculate

ADA in each track (rather than for the school as a whole) by the method set forth in Title 5 CCR Section 11960, and then the resulting figures will be totaled. This is the same method that is required for non-charter schools that operate on a multi-track year-round calendar.

Bargaining unit(s) consulted on: 10/21/02

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Candy Ray CUTA President & Deborah Brown, CSEA President

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) _____

Public hearing held on: 11/6/02

Local board approval date: 11/6/02

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 10/15/02

Effective dates of request: 07/01/01 through 06/30/03

Fiscal Analysis (as appropriate): No state fiscal impact is expected as a result of this waiver.

Background Information: Waiver request forms and supporting documents are available for inspection in the Waiver Office.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-3

<p>TITLE: Request by Hemet Unified School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student.</p> <p>CDSIS: 2-12-2002</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING _____ X CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval, for **Student 105**, a waiver of the requirement to “successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for the **mathematics portion of the test**.

Summary of Previous State Board of Education Discussion and Action:

In December 2001, the State Board of Education (SBE) adopted Policy # 01-07, California High School Exit Examination: Waiver of Test Passage for Specific Special Education Students. The authority for this waiver is *Education Code (EC) 56101*, the “child specific” waiver necessary or beneficial to the content and implementation of a pupil’s Individual Educational Program (IEP).

Summary of Key Issue(s):

EC 60851 (a) signed by the Governor in March 1999, states “commencing with the 2003-04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.”

The waiver of *EC 60851 (a)* allows students who have taken the CAHSEE using a modification that alters what is being tested on one or both portions and received a score of 350 or higher on one or both portions to graduate without having completed the “successful passage of the CAHSEE.” Information reviewed from each student requesting a waiver includes: 1) an IEP or Section 504 Plan reviewed and approved by the student’s IEP team and parent dated prior to the exam, that indicates all of the accommodations and/or modifications that the student needs to access and participate in statewide assessments, 2) a certified transcript showing sufficient high-school-level coursework (either satisfactorily completed or in progress) in a high-school level curriculum sufficient to have gained the skills and knowledge otherwise needed to pass the CAHSEE, and 3) a copy of the CAHSEE Student Parent Report showing the “equivalent of a passing score.”

The school district has provided all required documentation that indicates the nature of the student's disability, the rationale as to why the modification(s) used to achieve the equivalent of a passing score was necessary to allow the student to access the test, evidence that the student is being successful in sufficient high-school-level coursework to complete a high school curriculum of sufficient rigor to have gained the skills and knowledge otherwise needed to pass the CAHSEE as well as certification that the student attained the equivalent of a passing score on the mathematics portion of the exam.

Authority for the waiver: *Education Code* Section 56101

Request date: 11/26/02

Effective dates of waiver: 2001-2002 CAHSEE test year

Fiscal Analysis (as appropriate): No Fiscal impact.

Background Information: Waiver request forms and supporting documents are attached. Further background information is available for inspection in the Waiver Office, if required.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-4

<p>TITLE: Request by Fallbrook Union High School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for four special education students.</p> <p>CDSIS: 9-12-2002</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval, for **Student 106, Student 107 and Student 110**, a waiver of the requirement to “successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for the **English Language Arts portion of the test.** Approval, for **Student 108**, a waiver of the requirement to “successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for the **mathematics portion of the test.**

Summary of Previous State Board of Education Discussion and Action:

In December 2001, the State Board of Education (SBE) adopted Policy # 01-07, California High School Exit Examination: Waiver of Test Passage for Specific Special Education Students. The authority for this waiver is *Education Code (EC) 56101*, the “child specific” waiver necessary or beneficial to the content and implementation of a pupil’s Individual Educational Program (IEP).

Summary of Key Issue(s):

EC 60851 (a) signed by the Governor in March 1999, states “commencing with the 2003-04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.”

The waiver of *EC* 60851 (a) allows students who have taken the CAHSEE using a modification that alters what is being tested on one or both portions and received a score of 350 or higher on one or both portions to graduate without having completed the “successful passage of the CAHSEE.” Information reviewed from each student requesting a waiver includes: 1) an IEP or Section 504 Plan reviewed and approved by the student’s IEP team and parent dated prior to the exam, that indicates all of the accommodations and/or modifications that the student needs to access and participate in statewide assessments, 2) a certified transcript showing sufficient high-school-level coursework (either satisfactorily completed or in progress) in a high-school level curriculum sufficient to have gained the

skills and knowledge otherwise needed to pass the CAHSEE, and 3) a copy of the CAHSEE Student Parent Report showing the “equivalent of a passing score.”

The school district has provided all required documentation that indicates the nature of each student’s disability, the rationale as to why the modification(s) used achieve the equivalent of a passing score was necessary to allow each student to access the test, evidence that each student is being successful in sufficient high-school-level coursework to complete a high school curriculum of sufficient rigor to have gained the skills and knowledge otherwise needed to pass the CAHSEE as well as certification that Student 106, Student 107 and Student 110 attained the equivalent of a passing score on the English-language arts portion of the exam and that Student 108 attained the equivalent of a passing score on the mathematics portions of the exam.

Authority for the waiver: *Education Code* Section 56101

Request date: 11/07/02

Effective dates of waiver request: 2001-2002 CAHSEE test year

Fiscal Analysis (as appropriate): No Fiscal impact.

Background Information: Waiver request forms and supporting documents are attached. Further background information is available for inspection in the Waiver Office, if required.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-5

<p>TITLE: Request by Fort Sage Unified School District for a waiver of <i>Education Code</i> section 48916.1(d) and portions of section 48660 to permit the establishment of a community day school (CDS) for Grades K-8 to be operated by a unified school district.</p> <p>CDSIS: 8-1-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends:

Approval—On the condition that enrollment in this CDS is limited to pupils in grades K-8. If approved, *Education Code* section 33051(c) will apply and the district will not have to reapply annually if the information contained on the request remains the same.

Denial

Summary of Previous State Board of Education Discussion and Action:

Current law authorizes a K-8 district, upon a two-thirds vote of its governing board, to establish a community day school to serve students in any of those grades. Prior to the enactment of the amendment that established this authorization, the Board approved many requests to allow the establishment of such schools.

Summary of Key Issue(s):

The Fort Sage Unified School District is seeking authorization for the establishment of a K-8 community day school. While **current law authorizes a K-8 district of any size, upon a two-thirds vote of its governing board, to establish a community day school to serve students in any of those grades**, this authorization does not automatically extend to unified school districts.

Therefore, the District is requesting a waiver of ***Education Code* section 48916.1(d)** which prohibits commingling of expelled students in grades K-6 with 7-12 **and portions of *Education Code* section 48660 which limit the authorization to establish a K-8 community day school to K-8 districts.**

The Fort Sage Unified School District is a **very small, isolated district, with a total enrollment of approximately 200 students**. Although Fort Sage is a unified district, and therefore is not automatically authorized to establish a K-8 community day school, the District expects that **no more than eight students** would ever be enrolled in the community day school at one time, and therefore maintains that it would **not be efficient or cost effective to establish two community day schools to separately serve primary and middle grades students**. High School students will continue to be served separately. Staffing at the community day school will include a teacher/principal and a part-time instructional technician.

The local board voted unanimously in support of this waiver request. The professional association and the school site council are also in support of the waiver. On this basis, the Department recommends approval.

Bargaining unit(s) consulted on: 11/18/02

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representatives: Phil Floyd and Cathy Vanderville

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (public discussion of proposal at all district/community meetings for the two months prior to local board approval on 11/20/02)

Public hearing held on: 10/16/2002 and 11/20/02

Local board approval date: 11/20/02

Advisory committee(s) consulted: School Site Council

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 11/14/02

Effective dates of request: 11/01/02 – 6/30/05

Fiscal Analysis (as appropriate): N/A

Background Information: Documentation is attached to this Summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-6

<p>TITLE: Request by Reef-Sunset Unified School District to waive <i>Education Code</i> (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. Resource Specialist: David Witherow assigned at Reef-Sunset Middle School.</p> <p>CDSIS: 6-12-2002</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING _____ X CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education may approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students, if specific requirements are met; if these requirements are not met, the waiver must be denied. The Board has approved such waivers in the past when the requirements have been met.

Summary of Key Issue(s):

The **Reef-Sunset Unified School District (RSUSD)** requests a waiver of EC 56362 (c). This law states that caseloads for resource Specialist shall be stated in local policies developed pursuant to EC Section 56195.8 and in accordance with regulations established by the board. No Resource Specialist shall have a caseload which exceeds 28 students.

The district states that there has been an increase of enrollment to the special education program since the beginning of the school year. They will be looking at adding an additional RSP teacher for the 2003/04 school year.

The RSP teacher states that some students will be exiting this program which will reduce the number of students being served to around 30 students. The RSP teacher has agreed to take on the increase caseload. The waiver indicates that the caseload for the **Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students.**

Authority for the waiver: *Education Code* Section 56101, and *Title 5CCR 3100*

Bargaining unit(s) consulted on: October 22, 2002

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Terrance Cunningham

Local board approval date: November 21, 2002

Effective dates of request: August 2002-June 30, 2003

Fiscal Analysis (as appropriate): No known fiscal impacts

Background Information: Waivers request forms and supporting documents are available in the Waiver Office upon request.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-7

<p>TITLE: Request by Livermore Valley Joint Unified School District to waive <i>Education Code Section 52859(b)</i>. This request is related to the prohibition of using funds coordinated under the School-Based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist.</p> <p>CDSIS: 15-12-2002</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: **Approval**

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has adopted guidelines for the use of funds coordinated under the SBCP to pay for the local share of the Miller-Unruh Reading Specialist. The SBE has approved similar waivers in the past.

Summary of Key Issue(s):

Three Miller-Unruh reading positions provide three elementary schools with additional learning opportunities for at-risk students. Instruction is based on standardized and local assessment data and focuses on specific skill development for individual students. These three Miller-Unruh reading positions are in jeopardy when included in the District's general fund due to ongoing local and state funding issues.

Thus, each school needs to fund the local portion of this position with School Improvement and/or Title I funds to ensure that students will have ongoing access to additional reading support. This waiver request meets all of the Board's adopted guidelines.

Authority for the waiver: *Education Code* Section 52863

Bargaining unit(s) consulted on: 12/3/02

Position of bargaining unit (choose only one):

Neutral **Support** **Oppose**

Name of bargaining unit representative: Joyce Keeler, Livermore Education Association

Local board approval date: 12/10/02

Effective dates of request: 9/1/02 – 6/30/04

Fiscal Analysis (as appropriate): No fiscal impact.

Background Information: *Waiver request forms and supporting documents are available for inspection in the Waiver Office.*

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. WC-8

<p>TITLE: Request by one county office of education and four school districts for a retroactive waiver of <i>Education Code (EC) Section 60119</i> regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have audit findings for fiscal year 2001-2002 that they 1) failed to hold the public hearing, or 2) failed to properly notice (10 days) the public hearing and/or 3) failed to post the notice in the required three public places.</p> <p>CDSIS: 06-01-2003 Bangor Union Elementary School District 19-12-2002 Butte County Office of Education 22-12-2002 Lake Tahoe Unified School District 18-12-2002 Rincon Valley Union School District 14-12-2002 San Carlos School District</p>	<p>_____ ACTION _____ INFORMATION _____ PUBLIC HEARING <u> X </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department of Instructional Materials Sufficiency Waivers of Retroactive audit findings.

Summary of Key Issue(s):

During audits for fiscal year 2001-2002, it was discovered that the above local educational agencies did not hold the public hearing notice of sufficiency of instructional materials as required by Education Code 60119 or post the required ten days notice of the public hearing.

Since then, the local educational agencies have held a fully compliant hearing and determined that it has sufficient instructional materials for each pupil in each school in the district. CDE staff verified all other requirements of the Specific Waiver request and none of the local educational agencies have had a waiver of this education code before for the public hearing and ten day notice requirements in the 1997-98, 1998-99, 1999-00 or 2000-2001 years. Without the waiver, the local educational agencies will have to return **\$736,245** to CDE.

Therefore, since the local educational agencies have met the requirements for fiscal year 2002-2003, and agree to comply with E.C. 60119 and ensure that the public hearing is held within the fiscal year and that the notice of public hearing is posted for ten days, CDE recommends approval of this waiver request.

Authority for the waiver: EC Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Audit Year

Fiscal Analysis (as appropriate): This waiver if approved will relieve districts of **\$736,245** in total penalties.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office.

Information on the two districts requesting the waiver at this time follow:

Failure to Hold the Public Hearing, and Complete a Local Board Resolution on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS-19-12-2002 – Butte County Office of Education

- Audit finding for the 2001-2002 fiscal year that would require the return of \$62,505 in Schiff-Bustamante and Instructional Materials funds.
- The Butte County Office of Education failed to hold a public hearing during the 2001-2002 fiscal year.
- The COE has since held a fully compliant hearing on December 9, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS-18-12-2002 – Rincon Valley Union School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$197,490 in Schiff-Bustamante and Instructional Materials funds.
- The Rincon Valley Union School District failed to hold a public hearing during the 2001-2002 fiscal year. The district has since held a fully compliant hearing on December 10, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS-22-12-2002 – Lake Tahoe Unified School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$399,918 in Schiff-Bustamante and Instructional Materials funds.
- The district failed to post the notice for the public hearing for the required ten days during the 2001-2002 fiscal year. The district has since held a fully compliant hearing on December 11, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

CDSIS-14-12-2002 – San Carlos School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$66,238 in Schiff-Bustamante and Instructional Materials funds.
- The district failed to post the notice for the public hearing for the required ten days during the 2001-2002 fiscal year. The district has since held a fully compliant hearing on October 8, 2002 and has implemented procedures to prevent this from happening again.
- CDE staff verified all other requirements of the Specific Waiver request.

Failure to Give Ten days Notice of the Public Hearing on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year) and Failure to Post the Notice of Public Hearing in Three Public Places on the Sufficiency of Textbooks and Instructional Materials (within the 2001-2002 fiscal year)

CDSIS – 06-01-2003 – Bangor Union Elementary School District

- Audit finding for the 2001-2002 fiscal year that would require the return of \$10,094 in Schiff-Bustamante and Instructional Materials funds.
- The district failed to post the public hearing notice for the required ten days and post the notice in three public places for the 2001-2002 fiscal year. The district has since held a fully compliant hearing on August 8, 2002 and has changed procedures to ensure that notices get the full ten days posting and the district found a third place to post public notices.
- CDE staff verified all other requirements of the Specific Waiver request.

FEDERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-1

<p>TITLE: Request by ___ districts for a waiver of NCLB, Title I, Part A, Section 1116(e), the requirement to provide “supplemental services” to eligible students.</p> <p style="text-align: center;">Placeholder...in case districts submit waivers that must be heard.</p> <p>CDSIS: To be determined.</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved waivers relating to Federal Supplemental Educational Services under NCLB. Waiver Policy #02-02 was reviewed and approved at the September, 2002 meeting.

Summary of Key Issue(s):

The NCLB Act of 2001, Title I, Part A, Section 1116(e), Supplemental Educational Services requires districts with Program Improvement schools in years 2 and above under NCLB to provide supplemental services (tutoring and enrichment educational services) to low income students furthest away from meeting academic standards. Parents select a provider of services from a State Board of Education approved list of service providers. Section 1116(e)(10) contains the authority for a waiver of that requirement.

This is a PLACEHOLDER, if districts submit waivers of this type, they will be brought to the Board on blue “last minute document” at the meeting, so that the Board will be able to act on such waiver requests. This is necessary because NCLB Section 1116(b)(10)(B) requires a 30 day written response to the district on the disposition of the waiver request.

Authority for the waiver: NCLB, Title I, Part A, Section 1116(e)(10)

Fiscal Analysis: Undetermined at this time.

Background Information: Documentation will be presented at the SBE meeting.

FEBRUARY 2003
 PROPOSED CONSENT and NON-CONSENT WAIVERS
 Staff Recommendations

ITEM #	WAIVER SUBJECT	PROPOSED CONSENT* (SBE/CDE Recommendation)	NON-CONSENT** (CDE Only Recommendation)
ITEM W-1	Federal Supplemental Services	WITHDRAWN	
ITEM W-2	Academic Performance Index (adult testing irregularities)		Deny
ITEM W-3	Budget Reserves		Approve with conditions
ITEM W-4	K-3 Class Size Reduction (Option 1 funding)		Approve
ITEM W-5	Community Day	Approve with conditions, E.C. S. 33051(c) will apply	
ITEM W-6	Equity Length of Time	Approve with conditions	
ITEM W-7	Non-Public School/Agency (child specific)	Approve	
ITEM W-8	Instructional Materials Fund Petition Request		Approve with conditions
ITEM W-9	Instructional Materials Fund Petition Request		Approve with conditions
ITEM W-10	Instructional Materials Fund Petition Request		Approve with conditions
ITEM W-11	Instructional Materials Fund Petition Request		Approve with conditions
ITEM W-12	Special Election/Provisional Appointment		Approve

* Proposed Consent: Waivers in this column are recommended for approval by both SBE and CDE staffs.

** Non-Consent: Waivers in this column are either recommended for denial or warrant discussion. These waivers are printed in **boldface** type.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-2

<p>TITLE: Alhambra School District (ASD) Academic Performance Index (API) Waiver. Specifically, the ASD requests a waiver of Title 5, CCR, Sections 1032(d)(1) and (3) to allow the school to be included in the API for the current year (2002) or at least the subsequent year (2003). The district had “adult testing irregularities.”</p> <p>CDSIS: 39-7-2002</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC</p> <p><u> </u> HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Denial, Per *Education Code* Section 33051(a)(1), the educational needs of the pupils are not adequately addressed.

Summary of Previous State Board of Education Discussion and Action:

Waiver has been scheduled to two other SBE meetings but one time there was a failed motion to deny and the waiver was withdrawn by the district one other time.

Summary of Key Issue(s):

The Title 5 Regulation that the ASD is asking to waive was specifically adopted by the State Board of Education (SBE) to protect the educational needs of the pupils. This regulation requires that a school’s API be considered invalid if the local educational agency notifies the California Department of Education (CDE) of adult testing irregularities at the school affecting 5% or more of the pupils tested.

In this instance, the Mark Keppel High School Math Department Chair confused the Stanford 9 test administration manual with the Golden State Examination (GSE) test administration manual. The GSE allows for use of calculators in one of the two GSE Mathematics testing sessions. Use of calculators is prohibited on the Stanford 9 mathematics tests. On the day of the Stanford 9 test, the Math Department Chair reviewed the GSE test administration manual, and contacted the six teachers scheduled to administer the mathematics tests during the next period to inform them that use of calculators was permitted. Later in the day, the Math Chair realized her error, but by then, the testing period was complete.

A total of 137 students (9.23% of the CDE’s projection of 1483 students tested in spring 02) were present in these classes, and the assistant principal found, through review with the Math Chair and the math teachers, that 93 students (6.2% of students tested) had used calculators on the test.

In 1999-2000 the district was designated a “at risk” school for a School Improvement status. They met their growth targets in 2000-2001 and were hoping that this years API, if it could be “validated” by this waiver, would allow them to leave the School Improvement Status.

The September 2001 SBE meeting, the SBE was presented with criteria to use to evaluate adult testing irregularities wavier requests for the 2001 awards cycle and beyond. The criteria for API validity

requires that the irregularity is self-reported and the irregularity involves less than five percent of the number of students tested. The CDE is recommending denial of this waiver, because the number of students affected was well over 5% (9.23%), and because six teachers, six classrooms, and all questions on the tests that were administered (Algebra I, Algebra II, and Geometry) were impacted, thus creating a significant material effect. The district has the responsibility to ensure that all teachers receive sufficient training prior to the testing date, so that a mistake such as the one that occurred at Mark Keppel would be questioned and resolved before the test was given.

The Public Schools Accountability Act (PSAA) was based on educational needs of students, particularly that of improving student achievement. Specifically the Academic Performance Index (API) and resultant award programs were designed to reward schools that exceeded their performance targets, i.e. growth in student achievement. Key to the success of the API is the notion that it is a valid means of measurement. In order to ensure that the API scores are valid, proper administration of the Stanford 9 test, which currently provides the data that is used to generate the API score, is crucial. Improper administration of the test causes the scores to be invalid, which can impugn the integrity of the entire system. In this instance, not only did the testing irregularities impact 9.23% of the students, but impacted every question on every subtest administered to those students, a situation which could have been avoided if the teachers had received proper training. The CDE considers this a significant breach of security and therefore recommends denial of this waiver.

Authority for the waiver: *Education Code* Section 33050

Bargaining unit(s) consulted on: 05/29/02, 06/07/02

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Steve Kornfeld, President ATA, Gloria Tauson, President Elect, ATA, Darlene Perez, President, CSEA

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school Other (At district office, public library, and city hall)

Public hearing held on: 6/10/02

Local board approval date: 6/10/02

Advisory committee(s) consulted: Not Specified

Objections raised (choose one): None Approved

Date consulted: 5/29/02

Effective dates of request: 2001-2002 testing year

Fiscal Analysis (as appropriate):

No state fiscal impact is expected as a result of approving this waiver. Mark Keppel High School will benefit financially, to the detriment of all other schools eligible for awards.

Background Information: Waiver request forms and supporting documents are attached.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-3

TITLE: Request by San Diego Unified School District of portions of <i>Education Code</i> (E.C.) Section 33128(b) and <i>Title 5 Regulation</i> section 15443 to lower its recommended level of budget reserves from two percent to one	<u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
CDSIS: 4-11-2002	

RECOMMENDATION: The Department recommends:

Approval, on the condition that the waiver **not** become permanent under E.C. 33051(c), consistent with the legislation intended to allow a lower level of reserves for San Diego Unified, only until June 30, 2004.

Summary of Previous State Board of Education Discussion and Action:

No waiver of this type has ever been heard; however in 1998, statute was amended (SB 2023, Chapter 784) to temporarily allow a **one** percent reserve for all school districts with ADA between 125,000 and 400,000, which at the time applied **only to San Diego Unified**. The law was again amended in 2002 (AB 1818, Chapter 1168) to extend the expiration date from July 1, 2003 to July 1, 2004. However, San Diego is projecting to fall below 125,000 ADA for the 2002-03 fiscal year, thereby making current law inoperable and placing SDUSD back into the higher two percent reserve category.

Summary of Key Issue(s):

In an attempt to curtail an increasing number of school district bankruptcies, laws were enacted in the late 1980s to create budget standards for all local education agencies (LEAs) to follow. One of the standards is a requirement that LEAs set aside a certain percentage of their budget as a “reserve for economic uncertainties.” This reserve is intended to provide a cushion against unanticipated fiscal needs that may arise, and thereby eliminate future bankruptcies and the need for emergency loans. The amount of each school district’s reserve is based on the size of its general fund budget and the amount of its average daily attendance (ADA), with smaller districts reserving a larger percentage of their budgets, and larger districts reserving a smaller percentage of their budgets.

As established by Title 5 regulations, for most school districts the recommended level of reserve for economic uncertainties is three percent of total general fund expenditures. For small districts, the recommended reserves may be as much as five percent; for large districts, as low as one percent. The recommended reserves for a district with ADA of between 30,001 and 400,000 (San Diego Unified School District is about 120,000) is two percent of total general fund expenditures. School districts with more than 400,000 ADA need only maintain a one percent reserve; currently only Los Angeles Unified School District, which has ADA in excess of 700,000, falls into this category.

In 1998, statute was amended (SB 2023, Chapter 784) to temporarily allow a one percent reserve for all school districts with ADA between 125,000 and 400,000, which at the time applied only to San Diego Unified. The law was again amended in 2002 (AB 1818, Chapter 1168) to extend the expiration date from July 1, 2003 to July 1, 2004. However, San Diego is projecting to **fall below 125,000 ADA** for the 2002-03 fiscal year, thereby making current law inoperable and placing SDUSD back into the higher two percent reserve category. **The ADA drop in recent years is due to an increase in charter school enrollment, pulling students out of San Diego Unified; therefore they are requesting a waiver to allow it to maintain only a one percent reserve**

It is important for school districts to maintain an adequate reserve for economic uncertainties as protection against unanticipated fiscal needs that may arise from a variety of circumstances. This reserve is what will get them through the uncertainties and prevent potential insolvency. With one recent emergency loan (Emery Unified) and two more on the horizon (Oakland Unified and West Fresno Elementary), in these uncertain times it is prudent for districts to maintain reasonable reserves in developing budgets and managing expenditures.

While we believe that **districts should continue to maintain the level of reserves specified in the Title 5 regulations**, we recognize that the **Legislature's intent with E.C. 338120(b) was to allow San Diego Unified to maintain a lower level of reserves until July 1, 2004**. In addition the **Governors Budget proposal for 2003-2004 contains a plan to lessen the budget impact of upcoming cuts on schools by allowing them to maintain some yet to be determined lower level of reserves**.

Therefore, the Department is recommending approval of this waiver, consistent with legislative intent, on the condition that the waiver NOT be allowed to become permanent under E.C 33050, so the "period of request" is shortened by one day, and new legislative authority must be sought to continue the lower level of reserves past June 30, 2004.

Authority for the waiver: ***Education Code Section 33050***

Bargaining unit(s) consulted on: **October 9, 2002**

Position of bargaining unit (choose only one):

Neutral **Support** Oppose

Name of bargaining unit representative: Robin Whitlow, San Diego Education Association

Local board approval date: **October 22, 2002**

Public Hearing : **October 22, 2002 - Noticed in newspaper**

Advisory Committee: **NA**

Effective dates of request: **July 2, 2002, to June 30, 2004**

Fiscal Analysis (as appropriate):

If San Diego had to maintain the 2% reserve, it would require the district to make more than \$11 million in cuts to instructional programs in this fiscal year.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-4

<p>TITLE: Los Angeles Unified School District requests a waiver renewal of <i>Education Code</i> Section 52122 (b)(2)(A) and 52123 (c) for allowing 95 school sites with 200 or more students per acre to receive Option 1 Class Size Reduction funding. This is the fifth and final renewal for 73 schools and the fourth renewal for 22 schools.</p> <p>CDSIS: CDSIS-10-12-2002</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

The Board previously granted the District's waiver request for the following school years:

- 1997-98 = 84 schools
- 1998-99 = 101 schools (23 new, 80 – 1st)
- 1999-00 = 101 schools (23 – 1st, 78 – 2nd)
- 2000-01 = 101 schools (23 – 2nd, 78 – 3rd)
- 2001-02 = 100 schools (23 - 3rd, 77 – 4th)

For the 2002-03 school year the district is requesting the fifth and final renewal for 73 schools and fourth renewal for 22 schools. The Board has requested and received quarterly updates on the District's progress in implementing the facilities mitigation plan.

Summary of Key Issue(s):

Education Code Section 52122.6 allows school districts participating in the kindergarten to grade three Class Size Reduction Program (CSR), and meeting specified criteria (as outlined below), to request from the State Board of Education a waiver of *Education Code* Section 52122(b)(2)(A) and 52123(c) to allow school sites with 200 or more students per acre to have an average student teacher ratio of 20-to-1 and still receive Option 1 (full day) funding. For example, a site may operate a CSR class of 18 students and a class of 22 students (an average of 20 students) and still receive Option 1 funding for both classes. The waiver may be renewed annually five times.

The waiver criteria in specified *Education Code* Section 52122.7 require a district to develop a school facilities mitigation plan that documents how the district will provide the necessary facilities to achieve a 20:1 student to teacher ratio in each classroom rather than average a 20:1 student to teacher ratio. The waiver also requires the district to fund 50% of the cost of implementing the facility mitigation plan. The other 50% is provided by the State Allocation Board from Proposition 1A funds. *Education Code* Section 52122.8 requires school districts operating under this waiver to report annually on how "pupils at the impacted site will be served

in enriched teacher-to-pupil ratios during the time of the waiver." The Los Angeles Unified School District has hired additional teachers for these impacted schools in order to have a pupil teacher ratio of 20-to-1 for participating grade levels.

The district's facility mitigation plan consists of building 12 new elementary schools and 19 new primary centers, building additional classrooms at 28 schools and expanding the playgrounds at 19 schools. At the request of the SBE, the district has provided quarterly updates on the progress the district is making in implementing the facilities mitigation plan.

For the 2002 year, the district has:

- elementary schools: completed 130 of the 145 benchmarks identified to be completed by December 31, 2002;
- primary centers: completed 188 of the 198 benchmarks identified to be completed by December 31, 2002;
- additions to schools: completed 158 of the 167 benchmarks identified to be completed by December 31, 2002, (the 167 benchmarks was erroneously reported as 176 in the third quarter update), and
- playground expansions: completed 86 of the 180 benchmarks identified to be completed by December 31, 2002.

Significant accomplishments during 2002 include:

- the completion of land acquisition for 11 new elementary schools, 17 primary centers, one addition project and three playground expansion projects;
- the completion of addition projects at Heliotrope and Woodlawn Elementary Schools, and
- the opening of eight construction bids.

A copy of the district's updated facilities mitigation plan is available in the State Board office.

Authority for the waiver: *Education Code* Section 52122.6

Bargaining unit(s) consulted on: N/A (Renewal)

Position of bargaining unit (choose only one): N/A (Renewal)

Neutral

Support

Oppose

Name of bargaining unit representative: N/A (Renewal)

Local board approval date: 11/26/02

Effective dates of request: 07/01/02

Fiscal Analysis (as appropriate): Provides Option 1 CSR operational funding

Background Information: Waiver request form and supporting documentation are attached to this summary. Attachment 1 lists the schools for which a waiver is being requested.

LAUSD CSR Waiver
(EC 52122.6)
5th (Final) renewal

10th St.	Lockwood
20th St.	Logan
24th St.	Loma Vista
28th St.	Lomita Magnet
49th St.	Loreto
68th St.	Los Angeles
95th St.	Magnolia
Alexandria	Main St.
Alta Loma	Manchester
Arlington	Menlo
Ascot	Middleton
Bryson	Miles
Cahuenga	Miramonte
Canoga Park	Montara
Cienega	Monte Vista
Commonwealth	Morningside
Corona	Norwood
Dayton Hgts	Oxnard
Esperanza	Pacoima
Fair	Pio Pico
Figueroa	Ramona
Fishburn	Rosemont
Fletcher	San Gabriel
Florence	San Miguel
Fries	Stanford
Garvanza	State
Grant	Trinity
Gratts	Tweedy
Hawaiian	Union
Hazeltine	Victoria
Hobart	Victory
Hooper Ave.	Vine
Hoover	Wadsworth
Hughes	Weemes
Hyde Park	West Vernon
Langdon	Wilton Place
	Woodlawn

73 schools

LAUSD CSR Waiver
(EC 52122.6)
4th renewal

15th St.
4th St.
52nd St.
6th Ave.
75th St.
Aragon
Arco Iris
Barton Hill
Cabrillo
Coldwater Canyon
Dena (Dacotah)
Gulf
Hillside
Liberty
Maclay PC
Noble
Parmalee
Plasencia
Rowan
Sierra Park
Vermont
Woodcrest

22 schools

GENERAL WAIVER COVER SHEET

CALIFORNIA STATE BOARD OF EDUCATION

FEBRUARY 2003 AGENDA

Item No. W-6

<p>TITLE: Request by Napa Valley Unified School District to waive <i>Education Code (EC)</i> Section 37202, equity length of time requirement for kindergarten students to allow full day kindergarten programs at eleven elementary schools out of the twenty-one elementary schools in the district.</p> <p>CDSIS: 12-12-2002</p>	<p><input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT</p>
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RECOMMENDATION:

The Department recommends approval with conditions. Before renewal is considered, an evaluation must be submitted to the department by the district.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers in the past.

Summary of Key Issue(s):

The district's board has approved the implementation of *Education Code* Section 8973, the Early Primary Program at eleven of the twenty-one elementary schools at their November 20, 2002 board meeting. The schools to be included in the pilot program are: Alta Heights, Donaldson Way, El Centro, McPherson, Mt. George, Napa Junction, Northwood Pueblo Vista, Salvador, Vichy and West Park. The district only has room for extended day kindergartens at certain sites and want to pilot the program first to determine the effectiveness. The district has worked with the teachers and site administrators and the school site councils to ensure cooperation at all levels. The district wants to begin the pilot next year, in the 2003-2004 school year. The district expects to improve student performance by offering more integrated, development-based instruction to meet the students' needs as defined in "First Class: A Guide for Early Primary Education." The district will offer the opportunity for all parents that want to enroll their child in the extended day kindergarten pilot program.

As the district is proposing a one-year pilot, the department is recommending approval for one year with the condition if the district seeks a renewal of this waiver, they must provide an evaluation of the program to get an extension.

Bargaining unit(s) consulted on: November 22, 2002

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Joel Mellinger, President NVEA

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other
(specify)

Public hearing held on: December 4, 2002

Local board approval date: December 4, 2002 (presented to board on November 20, 2002)

Advisory committee(s) consulted: School Site Councils

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: between November 4 and December 2, 2002

Effective dates of request: 07/01/03 to 06/30/04

Fiscal Analysis (as appropriate): No impact.

Background Information: Waiver request forms and supporting documents are attached to this summary.

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-7

<p>TITLE: Request by Cypress School District to waive <i>Education Code</i> (EC) Section 56366.1(a), certification requirements, for an uncertified nonpublic agency, Joanna Lofink, Speech & Language Pathologist to provide services to one special education student, Samuel T.</p> <p>CDSIS: 40-7-2002</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval Denial

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has taken action on many waivers regarding Nonpublic School Certification. The Special Education Division has adopted guidelines to assist staff in the review of these requests.

Summary of Key Issue(s):

- Samuel T. is a 10 year-old special needs student with Autistic-like Behaviors who needed speech and language services over the summer.
- The CSD had limited summer school/extended school year personnel and was unable to provide speech and language services to Samuel.
- CSD advertised for a certified speech therapist but no one was able to travel to Orange to provide the services for Samuel T.
- Joanna Lofink is a licensed Speech and Language Pathologist located in Orange who meets all waiver qualifications.

Authority for the waiver: *Education Code* Section 56101

Bargaining unit(s) consulted on: July 25, 2002

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Janice Benach

Local board approval date: SELPA Approved 9/16/02

Effective dates of request: July 15, 2002 – August 30, 2002

Fiscal Analysis (as appropriate): The CSD did not submit fiscal information relative to the cost of these services.

Background Information: Waiver Request forms and supporting documents are attached to this summary.

**Instructional Materials Fund (IMF) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
FEBURARY 2003 AGENDA
Item No. W-8**

<p>SUBJECT: Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by North Sacramento School District to purchase non-adopted Instructional Resources (<i>Houghton Mifflin Mathematics, Grade 6</i>) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p>CDSIS: 14-11-2002</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION:

The Department recommendation: Approval from August 10, 2002 through June 1, 2005, contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Summary of Previous State Board of Education Discussion and Action:

The Petition process was continued in statute for use by districts with the new Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with E.C. **60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision **(g) of Section 60200**, the State Board of Education may authorize a school district to **use any state basic instructional materials allowance** to purchase standards-aligned materials as specified within this part.”

In the last two years, four IMF petitions and fifteen Schiff-Bustamante waiver requests have been submitted to the Board for Grade 6 of the *Houghton Mifflin Mathematics* program. All nineteen of these requests were approved by the State Board. Susan Stickel, former chair of the Curriculum Commission, has reviewed this program for standards alignment at the request of the State Board, and found it to be aligned to state standards in mathematics.

Summary of Key Issue(s).

The **North Sacramento School District** requests approval of its petition pursuant to Education Code Section 60200 (g):

“If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

In addition, language within the new Instructional Materials Funding Realignment Program in Education Code Section 60421(d) specifically authorizes the State Board to grant waivers for the purchase of nonadopted materials:

“Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as

specified within this part.”

North Sacramento School District is requesting a waiver for the use of Instructional Materials Funding Realignment Program (IMFRP) funds for the purchase of *Houghton Mifflin Mathematics* for Grade 6. The K-5 program was submitted and adopted under the 2001 Mathematics Adoption.

While no State Board policy currently exists for petitions under the new Instructional Materials Funding Realignment Program, the State Board approved fifteen waivers for districts to use this program under its Schiff-Bustamante grade-level extension exemption policy (State Board Policy #99-06).

The *Houghton Mifflin Mathematics* program for grades K-5 was submitted for review under the 2001 Mathematics Adoption. It was adopted by the State Board of Education. The grade 6 program was completed after the state adoption of the grades K-5 program. **The district is requesting a waiver for a program that would continue or extend a currently adopted program. At the Board’s request, Commissioner Sue Stickel reviewed grade 6 of the *Houghton Mifflin Mathematics Program* and felt that the program offered sufficient coverage of the mathematics content standards.**

The district adopted grades K-5 of the *Houghton Mifflin Mathematics* program in 2002. The district’s API scores are poor, with 8 of its 10 schools scoring in the third decile or lower. No test data was provided; however, this information was not required for an Exemption One waiver request under the former State Board Schiff-Bustamante Policy #99-06. The district is committed to improving its performance by using a state-approved program in mathematics that is consistently applied through grades K-6.

Department Recommendation

The Department recommendation is for approval from 8/10/02 through 6/30/05.

Approval is contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Authority for the petition: **E.C. 60421 (d) and 60200(g)**

Local Board approval: April 9, 2002

Public hearing held on: May 14, 2002

Fiscal Analysis (as appropriate)

LEA's estimated total K-12 IMFRP in the 2002-2003 year:	\$ 357,952
Estimated cost of requested materials 2002-2003:	\$ 36,000
Percentage of total IMFRP:	10%
LEA's estimated total K-12 IMFRP in future years:	\$ 229,313
Estimated cost of requested materials in future years:	\$ 5,000/year
Percentage of total IMFRP:	2%

Background Information is attached to this Agenda Item.

**Instructional Materials Fund (IMF) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
FEBURARY 2003 AGENDA
Item No. W-9**

<p>SUBJECT: Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by Poway Unified School District to purchase Instructional Resources (<i>Everyday Mathematics</i>, Grades K-3, c. 2001, and Grades 4 – 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p>CDSIS: 23-12-2002</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION:

The Department recommendation: Approval from January 1, 2003 to June 30, 2005, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards, and contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Summary of Previous State Board of Education Discussion and Action:

The Petition process was continued in statute for use by districts with the new Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with E.C. **60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision **(g) of Section 60200**, the State Board of Education may authorize a school district to **use any state basic instructional materials allowance** to purchase standards-aligned materials as specified within this part.”

This is the second petition and/or waiver request for *Everyday Mathematics* by this district. In September 2001 the Board approved a Schiff-Bustamante waiver request for grades K-5, with the condition that the district provide supplemental material to fully meet the Grade 5 Mathematics Standards.

In the last two years, four IMF petitions and twelve Schiff-Bustamante waiver requests have been submitted to the Board for various editions of *Everyday Mathematics*. Of these sixteen requests, fifteen were approved with conditions, typically a requirement that the district demonstrate that supplemental materials are used at certain grade levels to meet deficiencies in the *Everyday Mathematics* program. Susan Stickel, former chair of the Curriculum Commission, has reviewed several editions of the program at the request of the State Board. Most recently, the Board entertained three IMF petitions for the same program for which Poway USD is currently seeking a petition at its September 2002 meeting; one of these petitions was approved without condition and the other two were approved with the condition that the district demonstrate supplemental coverage of the Mathematics Standards for grades 4-6.

Summary of Key Issue(s).

The Poway Unified School District requests approval of its petition pursuant to: **E.C 60421**

(d) “Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.” E.C. 60200(g): “If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

The Poway Unified School District is petitioning to purchase: *Everyday Mathematics*, Grades K-3 2001, c. and Grades 4 – 6, c. 2002. The District first implemented the *Everyday Mathematics* program in 1998, and asserts that student achievement in mathematics has improved significantly as a result of using this program. Student performance on the Stanford 9 Mathematics test has been significantly higher than the state average from 1998-2002, with students performing between twenty to twenty-seven percentage points higher than the state average on the 2002 assessment. The district also has a high average 2002 API of 857.97, with twenty of its twenty-one schools showing improvement since 1999.

Detailed assessment data is attached to this petition.

The District requires a waiver to continue the use of *Everyday Mathematics* as the core instructional materials that best address the needs of both teachers and students and has demonstrated positive results.

Following earlier petition requests to purchase the *Everyday Mathematics* program using Instructional Materials Fund moneys, the State Board of Education asked Commissioner Stickel to review the new 2002 edition of the *Everyday Mathematics* program for grades 4-6. Commissioner Stickel found in her report to the Board that there were numerous areas where the Mathematics Standards were not met, particularly at the Grade 4 level. Pursuant to this recommendation the Board acted to approve these petition requests with the condition that the districts demonstrate supplemental coverage of these standards.

Poway USD has acknowledged the contents of Commissioner Stickel’s report. Following the Board’s approval with conditions of the district’s waiver to use Schiff-Bustamante funds for *Everyday Mathematics*, the district worked with the publisher to include supplemental materials with their Grade 5 instructional program, in order to fully meet the Mathematics Standards. The district has stated that they are “working with the publisher to evaluate and implement a fourth grade *Everyday Mathematics* supplement,” in order to meet the deficiencies noted in Commissioner Stickel’s report. The district also uses other supplemental programs also.

Department Recommendation

The Department recommendation is for approval of the petition request from 1/1/03 through 6/30/05, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards, and contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Authority for the petition: *Education Code* Section 60421 (d) and 60200(g)

Local Board approval: December 16, 2002

Public hearing held on: December 16, 2002

Fiscal Analysis (as appropriate)

LEA's estimated total K-12 IMFRP in the 2002-2003 year:	\$ 2,144,000 (based on \$65 per pupil)
Estimated cost of requested materials 2002-2003:	\$ 389,000
Percentage of total IMFRP:	18.1%
Estimated cost of requested materials in future years: materials	\$ 389,000/year (all are consumable)

Background Information is attached to this Agenda Item.

**Instructional Materials Fund (IMF) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
FEBURARY 2003 AGENDA
Item No. W-10**

<p>SUBJECT: Petition request under <i>Education Code</i> Section 60421(d) and 60200(g) by Glendale Unified School District to purchase Instructional Resources (<i>Everyday Mathematics</i>, Grades K-3, c. 2001, and Grades 4 – 6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p>CDSIS: 17-11-2002</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION:

The Department recommendation: Approval from March 1, 2003 to June 30, 2005, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards, and contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Summary of Previous State Board of Education Discussion and Action:

The Petition process was continued in statute for use by districts with the new Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with E.C. **60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision **(g) of Section 60200**, the State Board of Education may authorize a school district to **use any state basic instructional materials allowance** to purchase standards-aligned materials as specified within this part.”

This is the third petition and/or waiver request for *Everyday Mathematics* by this district. In July 1997 the Board approved an IMF petition for grades K-5 for this district, while in June 2001 the Board approved a Schiff-Bustamante waiver request for grades K-6.

In the last two years, four IMF petitions and twelve Schiff-Bustamante waiver requests have been submitted to the Board for various editions of *Everyday Mathematics*. Of these sixteen requests, fifteen were approved with conditions, typically a requirement that the district demonstrate that supplemental materials are used at certain grade levels to meet deficiencies in the *Everyday Mathematics* program. Susan Stickel, former chair of the Curriculum Commission, has reviewed several editions of the program at the request of the State Board. Most recently, the Board entertained three IMF petitions for the same program for which Glendale USD is currently seeking a petition at its September 2002 meeting; one of these petitions was approved without condition and the other two were approved with the condition that the district demonstrate supplemental coverage of the Mathematics Standards for grades 4-6.

Summary of Key Issue(s).

The Glendale Unified School District requests approval of its petition pursuant to: **E.C 60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision **(g) of**

Section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.” **E.C. 60200(g)**: “If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

The Glendale Unified School District is petitioning to purchase: *Everyday Mathematics*, Grades K-3 2001, c. and Grades 4 – 6, c. 2002. **The district states that they have adopted standards that are “equal to or higher than” the State Standards for Mathematics in Grades K-6 (see attached standards documents) on October 5, 1999.** Based on these standards extensive work has been done to develop, align and implement curriculum in every grade in the district.

Additional instructional support work has been done to assist teachers in pacing instruction to ensure that all students have the opportunity to learn. Finally, all teachers have participated in ongoing professional development to support math content and pedagogy using these materials.

The district first adopted the *Everyday Mathematics* Program K-6 in 1997. Trimester district-wide benchmarks exams are administered, and results analyzed to determine student progress and program effectiveness. Results of the state tests over the past four years (see Addendum D) indicate that student achievement is increasing each year because of this program and the concerted effort of the instructors to provide strong standards-based curriculum. This date is also impressive when viewed with the perspective that Glendale Unified School District has approximately twice the number (by percent) of English Second Language Learners and Title I students as identified statewide.

The District requires a waiver to continue the use of *Everyday Mathematics* as the core instructional materials that best address the needs of both teachers and students and has demonstrated positive results.

Following earlier petition requests to purchase the *Everyday Mathematics* program using Instructional Materials Fund moneys, the State Board of Education asked Commissioner Stickel to review the new 2002 edition of the *Everyday Mathematics* program for grades 4-6. Commissioner Stickel found in her report to the Board that there were numerous areas where the Mathematics Standards were not met, particularly at the Grade 4 level. Pursuant to this recommendation the Board acted to approve these petition requests with the condition that the districts demonstrate supplemental coverage of these standards.

Department Recommendation

The Department recommendation is for approval from 3/1/02 through 6/30/05, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards, and contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Authority for the petition: **E.C. 60421 (d) and 60200(g)**

Local Board approval: Dec. 17, 2002

Public hearing held on: Dec. 17, 2002

Fiscal Analysis (as appropriate)

LEA's total K-8 IMFRP in the 2002-2003 year:	\$ 968,500 (based on \$65 per pupil)
Estimated cost of requested materials 2002-2003 (for 03-04):	\$ 205,000
Estimated Percentage	21%
Estimated cost of requested materials in future years :	\$ 212,908/year

Background Information is attached to this Agenda Item.

**Instructional Materials Fund (IMF) Petition Request
CALIFORNIA STATE BOARD OF EDUCATION
FEBRUARY 2003 AGENDA
Item No. W-11**

<p>SUBJECT: Petition request under <i>Education Code</i> Section 60200(g) and 60421(d) by Lake Tahoe Unified School District to purchase nonadopted Instructional Resources (<i>Everyday Mathematics</i>, Grades K-3, c. 2001; Grades 4-6, c. 2002) using Instructional Materials Funding Realignment Program (IMFRP) monies.</p> <p>CDSIS: 12-11-2002</p>	<p><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING</p>
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RECOMMENDATION:

The Department recommendation: Approval from May 30, 2003 to June 30, 2005, on the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards, and contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Summary of Previous State Board of Education Discussion and Action:

The Petition process was continued in statute for use by districts with the new Instructional Materials Funding Realignment Program, AB 1781, Statutes of 2002 with *Education Code* Section **60421 (d)** “Notwithstanding any other provision of law, pursuant to subdivision (g) of Section **60200**, the State Board of Education may authorize a school district to **use any state basic instructional materials allowance** to purchase standards-aligned materials as specified within this part.”

In the last two years, four IMF petitions and twelve Schiff-Bustamante waiver requests have been submitted to the Board for various editions of *Everyday Mathematics*. Of these sixteen requests, fifteen were approved with conditions, typically a requirement that the district demonstrate that supplemental materials are used at certain grade levels to meet deficiencies in the *Everyday Mathematics* program. Susan Stickel, former chair of the Curriculum Commission, has reviewed several editions of the program at the request of the State Board. Most recently, the Board entertained three IMF petitions for the same program for which Lake Tahoe USD is currently seeking a petition at its September 2002 meeting; one of these petitions was approved without condition and the other two were approved with the condition that the district demonstrate supplemental coverage of the Mathematics Standards for grades 4-6.

Summary of Key Issue(s).

The **Lake Tahoe Unified School District** requests approval of its petition pursuant to Education Code Section 60200 (g):

“If a district board establishes to the satisfaction of the State Board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the State Board shall authorize the district board to use its instructional materials allowance to purchase materials as specified by the State Board.”

In addition, language within the new Instructional Materials Funding Realignment Program in Education Code Section 60421(d) specifically authorizes the State Board to grant waivers for the purchase of nonadopted materials:

“Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.”

The district adopted mathematics standards in 1999 that are identical to the state standards. Following the adoption of these standards a mathematics committee that included representatives from each school site in the district met to review the *Mathematics Framework* and to oversee the mathematics program of the district. During the 2001-2002 school year, this committee reviewed the available programs and determined that *Everyday Mathematics* best met the needs of the district. In addition to a voluntary pilot conducted earlier, a more extended pilot of the program was conducted by forty K-6 teachers during the 2002-03 school year. These teachers received extensive training in the program. The teachers who participated in this extended pilot reported that they were “excited about the program,” and that students were “eagerly involved in the lessons and the depth of understanding was evident.”

State achievement data shows that the district has performed at a level that is near the state average for Mathematics in recent years. However, the district asserts that its performance improvements for Hispanic students (a 31% minority in the district) have been significant, with a rate of decline for students scoring below the 25% percentile that is twice the state average. In addition, the district’s performance in the Algebra Golden State Exam has shown a higher overall percentage of students scoring in the 4th-6th levels than the state average (although the percentage scoring at the highest level, level 6, is lower than the state average).

Student achievement data is attached as part of the district’s request.

Following earlier petition requests to purchase the *Everyday Mathematics* program using Instructional Materials Fund moneys, the State Board of Education asked Commissioner Stickel to review the new 2002 edition of the *Everyday Mathematics* program for grades 4-6. Commissioner Stickel found in her report to the Board that there were numerous areas where the Mathematics Standards were not met, particularly at the Grade 4 level. Pursuant to this recommendation the Board acted to approve these petition requests with the condition that the districts demonstrate supplemental coverage of these standards.

The district as stated that it is familiar with the content of Commissioner Stickel’s report, and that a committee of grade 4-6 pilot teachers will work this spring with *Everyday Mathematics* trainers to develop strategies to meet the standards that are not adequately addressed in the program. The district also states that it expects a supplemental guide to *Everyday Mathematics* Grades 4-6 to be released in the fall of 2003.

Department Recommendation

The Department recommendation is for approval of the petition request from 5/30/03 through 6/30/05, with the condition that the district supplement *Everyday Mathematics*, Grades 4-6, as necessary for coverage of all mathematics content standards, and contingent on IMFRP funds being appropriated and allocated in 2002-2003 and in subsequent fiscal years.

Authority for the petition: **E.C. 60421 (d) and 60200(g)**

Local Board approval: November 12, 2002

Public hearing held on: November 12, 2002

Fiscal Analysis (as appropriate)

Estimated cost of requested materials:	\$150,000
LEA's estimated K-8 Instructional Materials Block Grant for the school year:	\$180,000
Representing % of total K-8 IM Block Grant:	83%

Cost estimate for Subsequent Years

Estimated cost of consumables on a yearly basis following the adoption:	\$30,000
LEA's estimated K-8 Instructional Materials Block Grant for future school years:	\$180,000
Representing % of total K-8 IM Block Grant:	30%

Background Information is attached to this Agenda Item.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
February 2003 AGENDA
Item No. W-12

<p>TITLE: Request by Compton Unified School District to waive <i>Education Code</i> Section 5091(a), the provisional appointment or special election requirement within 60 days of a school board vacancy, in order to postpone the election to fill a vacant school board position until November of 2003.</p> <p>CDSIS: 14-1-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION:

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education has approved similar waivers of this type in the past.

Summary of Key Issue(s):

Compton Unified School District has been under the control of a state administrator for seven years. Beginning in 2001-2002, the district was returned to local control, the first year in seven years. On December 20, 2002, at the beginning of this critical juncture, one of the Compton school board members resigned, creating a vacancy on the board. Under *Education Code* Section 5091(a), when such a situation occurs, the district must either call a special election to elect a new board member or appoint a new board member within 60 days of the vacancy.

The choices under the law for the district are neither financially sound nor conducive towards continuing the good relationship between the local community and the school district. First, the district has estimated that a special election would cost over \$150,000, creating a hardship in a district that is still under fiscal constraints and given that resources are going to be further reduced by the state's budget crisis. And second, the district is trying hard to gain the support and trust of the local community and especially wants the local community within the district to be involved in the choice of any new board members rather than fill the position by a "provisional appointment." Neither alternative would not help the district to maintain their fiscal status during this critical time nor help garner the support with the community that is critical to rebuilding the district.

Therefore, the department recommends approval of the waiver for Compton Unified School District so that the district may wait until the regular November of 2003 election to fill the board member position with the full involvement of the local community and

without creating an unnecessary fiscal burden.

Bargaining unit(s) consulted on: January 9, 10, 13 and 14, 2003

Position of bargaining unit (choose only one):

Neutral Support Oppose

Name of bargaining unit representative: Tom Hollister, Compton Education Assoc.
Ardie Braxton, American Federation of

Teachers, Local 6119

Loretta Sloan, Brian Todd – Calif. School

Employees Assoc.

Mark Shiva, Police Officers Assoc.

Ray McCray, Service Employees Internat'l

Union. Local 347

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other

(specify) Places within the district as well as City Hall, the main library, and the Martin Luther King Transit Center

Public hearing held on: 01/14/03

Local board approval date: 01/14/03

Advisory committee(s) consulted: N/A to board elections

Objections raised (choose one): None Objections are attached on
separate sheet

Date consulted: _____

Effective dates of request: 12/20/02 to 12/09/03

Fiscal Analysis (as appropriate): No fiscal impact to the state but the district could avoid the cost of a special election.

Background Information:

Documentation is attached to this summary.



FEBRUARY 2003 AGENDA

SUBJECT Title 5 Regulations on Administration of Medication to Pupils at Public Schools	X	ACTION
		INFORMATION
	X	PUBLIC HEARING

Recommendation:

The State Board of Education adopt the proposed regulations.

Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved the Notice of Proposed Rulemaking to start the public comment process and announce the public hearing scheduled for February 6, 2003.

Summary of Key Issue(s)

Education Code section 49423.6 requires CDE to develop and the SBE to adopt regulations regarding the administration of medication in the public schools pursuant to Section 49423.

The purpose of the regulations is to clarify the requirements of state law consistent with best health care practices. The regulations provide guidance on who may administer medications to pupils requiring medications during the regular school day, under what conditions such administration may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

These proposed regulations are based on a draft developed by a statutorily required committee that included representatives of parents, the medical, nursing, and teaching professions, the California School Boards Association, the Advisory Commission on Special Education, the Department of Health Services, and the Board of Registered Nursing. Upon direction from the SBE, the draft developed by this committee was further modified by CDE and SBE staff to address issues brought before the State Board in June 2002.

Fiscal Analysis (as appropriate)

Attachment(s) to this Agenda Item

(Please indicate if additional material will be provided in the supplemental agenda)

[Attachment:](#) Proposed regulations

Additional material will be provided in the supplemental agenda and/or at the meeting

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272
Sacramento, CA 94244-2720

**TITLE 5. EDUCATION****CALIFORNIA STATE BOARD OF EDUCATION****NOTICE OF PROPOSED RULEMAKING****Administration of Medication to Pupils at School**

[Notice published December 6, 2002]

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

PUBLIC HEARING

The State Board will hold a public hearing beginning at 11:00 a.m. on Thursday, February 6, 2003, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, February 6, 2003. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone : (916) 319-0641 FAX: (916) 319-0155
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 49423.6, Education Code.

Reference: Section 49423, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Education (CDE) has received and responded to concerns and issues from school administrators, parents, physicians, school nurses, and community agencies regarding medication administration in schools. Education Code section 49423 provides statutory authority for provision of medication administration in California schools. The language of Education Code section 49423 has been interpreted as permissive and subsequently has resulted in the denial of these services to some pupils. Further, the Education Code currently does not provide statutes for implementation.

In April 1995, a representative group of parents and community agencies presented their concerns regarding the health and safety of students to the Commission on Special Education (Commission) due to the denial of medication administration and health care services in the schools as prescribed by physicians, lack of training for school staff designated to provide these services, and lack of supervision of school staff providing these services. In response to these concerns, the Commission requested that CDE issue an advisory to local education agencies regarding medication administration in school. CDE issued an advisory in September 1997.

From March 1998 to August 2000, CDE continued to receive many calls from school districts, parents, physicians, and school nurses regarding concerns and questions regarding medication administration in school. CDE developed a Q&A page on its web site to address these questions (<http://www.cde.ca.gov/spbranch/sed/healthup/meds1.htm>).

Senate Bill 1549 was signed by the Governor on August 31, 2000. This bill added Section 49423.6 to the Education Code and required regulations be developed by June 15, 2001, regarding the administration of medication in the public schools. The bill required that the regulations be developed in consultation with parents, representatives of the medical and nursing professions, and others jointly designated by the Superintendent of Public Instruction, the Advisory Commission on Special Education, and the Department of Health Services.

The Medications Committee (Committee) was convened to begin developing regulations. The Committee used current standards of health care practice, and input from parents, physicians, school nurses, school administration staff, and community agencies to develop these regulations.

The Committee also considered information received from phone calls received by CDE from school districts seeking guidance on various problems and constraints related to medication administration services. Rural school districts, state border school districts, districts with few school nurses, and districts without school nurses face unique challenges in administering medications. In addition some districts raised issues related to the challenge of administering medications using different methods and with new technologies never before encountered in the school environment. The need for direction in the provision of over-the-counter medication administration in schools was also brought to the attention of the Committee, and has surfaced through proposed legislation. There is no specific statutory authority, however, upon which to base regulations for the administration of non-prescribed over-the-counter medications, and therefore these proposed regulations do not cover non-prescribed over-the-counter medications.

These various issues that needed addressing required the Committee to conduct extensive research, and review more standards of healthcare practice for accommodating these needs in schools, and resulted in a request for an extension of time for completion of regulations for consideration by the State Board of Education. The regulations were further delayed in order to address fiscal issues and specific issues raised to the State Board.

These proposed regulations for the *Administration of Medication to Pupils at School* provide clarification for implementing Education Code section 49423. Specifically, these regulations clarify who may administer medications to pupils requiring medication during the regular school day, under what conditions such administration of medications may occur, and the requirements for the delivery, administration documentation, and disposal of medications.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to the state: None

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

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None.

Effect on small businesses: The proposed regulations will have no effect on small businesses because they only provide clarity for schools on a permissive statute related to medication administration during the regular school day. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Linda Davis-Alldritt, Consultant
California Department of Education
School Health Connections
1430 N Street, Suite 6408
Sacramento, CA 95814
E-mail: medregs@cde.ca.gov
Telephone: (916) 319-0284

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator. The back-up contact person is Janis Miller, Analyst, (916) 319-0860, Jmiller@cde.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: February 5, 2003

From: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

Re: ITEM # 27

Subject TITLE 5 REGULATIONS ON ADMINISTRATION OF MEDICATION TO
PUPILS AT PUBLIC SCHOOLS

Since the proposed Medication Administration Regulations were released for public comment on November 14, 2002, staff in the Department of Education and in the State Board of Education office have attempted to address some of the concerns that have been expressed by members of the public.

Attached are three documents that reflect suggested revisions to the proposed regulations and a summary of written public comments received as of 3:00 p.m., February 4, 2003:

Attachment A, "Overview of Proposed Revisions"—A summary of suggested changes to the current version of the proposed regulations.

Attachment B, "Draft—Proposed Amendments"—Proposed regulations with recommended new text (underlined and capitalized) and deletions (strikeout).

Attachment C, "Summary of Written Comments Received"—An overview of comments received as of February 4, 2003, 3:00 P.M.

SBE Item #27, February 2003
Medication Regulations
Overview of Proposed Revisions

Page/Line (from version dated February 4, 2003)	Selected Substantive Changes
Page 2, lines 19-20	Expands the number of individuals who may provide training for designated school personnel; adds parental consent requirement.
Page 3, lines 19-23	Adds the definition of “duly qualified supervisor of health.”
Page 4, lines 14-23	Specifies additional information to be provided by health care provider, including whether medication may be administered by someone who is not legally licensed to do so.
Page 4, lines 25-26	Specifies additional information to be provided by health care provider, specifically, information on medication’s side effects, including any that may impact student behavior or learning abilities.
Page 6, lines 8-19	Clarifies which designated school personnel may administer specified medications.
Page 7, lines 9-14	Describes conditions under which parents may designate school site employee to administer medication to his/her child at school, contingent on administrator’s approval and LEA-adopted policy.
Page 8, lines 21-22	Exempts self-administered medication from delivery/storage requirements to allow students immediate access if needed.
Page 8, line 27 and Page 9, lines 2-3	Clarifies that medication is to be delivered to school by a parent/guardian or designee.
Page 10, lines 7-15	Deletes wording that created confusion over whether the regulations applied to students with special needs.
Page 10, lines 17-23	Clarifies that this article does not apply to the use of non-prescribed emergency epinephrine auto-injectors by LEA employees and how potential discrepancies related to the use of epinephrine auto-injectors will be resolved.

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Title 5. EDUCATION

Division 1. State Department of Education

Chapter 2. Pupils

Subchapter 3. Health and Safety of Pupils

Add Article 4.1. to read:

Article 4.1. Administration of Medication to Pupils at School

§ 600. Definitions.

For the purposes of this article, the following definitions hereinafter apply:

(a) “Regular school day” means the time during which the pupil receives instruction or otherwise participates in activities under the school’s or local education agency’s auspices and in which other pupils have the opportunity to participate, including but not limited to, field trips, extracurricular and cocurricular activities, before- or after-school programs, camps or other activities that typically involve at least one overnight stay away from home.

(b) “Medication” is any substance that: (1) is dispensed in the United States by prescription only; or (2) does not require dispensing by a licensed pharmacist, in which case the authorized health care provider’s written statement must clearly identify the name of the medication in such a way as to distinguish that medication from any similar medications with which it may be confused and specifying the strength of the principal active ingredient(s). Such medication that does not require dispensing may include, but is not limited to, over-the-counter remedies, nutritional supplements, and herbal remedies.

(c) “Prescription” means a written direction for the administration of medication to a pupil that is signed by the pupil’s authorized health care provider.

(d) “Authorized health care provider” means a person who possesses an active, current California medical license and who prescribes medications as permitted by California law and within his/her scope of practice for administration to pupils. Authorized health care providers ~~only include~~ **INCLUDE ONLY:**

- (1) Physicians and osteopaths;
- (2) Dentists;
- (3) Podiatrists;

Note: Proposed additions are DOUBLE UNDERLINED AND CAPITALIZED and proposed deletions are ~~double struck through~~.

(4) Optometrists;

(5) Nurse practitioners and nurse midwives who have been assigned furnishing numbers by the Board of Registered Nursing, and function under standardized procedures as defined by Business and Professions Code section 2725; and

(6) Physician assistants who have been assigned furnishing numbers, and function under a physician’s supervision and written protocols.

(e) “School nurse” is a currently licensed registered nurse who is credentialed pursuant to Education Code section 44877.

(f) “Designated school personnel” means an individual or more than one individual employed by the local education agency and meeting all of the following criteria:

(1) Consented to render assistance to the pupil in accordance with the authorized health care provider’s written statement;

(2) Received approval of the schoolsite administrator to provide the assistance; and either

(3) Where possible, is a school nurse or another individual employed by the local education agency who holds a current professional license authorizing the rendering of assistance to a pupil who is required to take medication; or

(4) Where not a school nurse or other license holder as specified in paragraph (3):

(A) Received training in the rendering of assistance to the pupil by the pupil’s ~~physician~~ **AUTHORIZED HEALTH CARE PROVIDER; BY A DULY QUALIFIED SUPERVISOR OF HEALTH WITH PARENT/GUARDIAN CONSENT;** or by a trainer mutually agreed upon by the schoolsite administrator, the parent/guardian, and the pupil’s authorized health care provider as being capable of providing the training. If deemed necessary by the individual performing the training, the training may also include instruction from another party, e.g. training to perform cardiopulmonary resuscitation (CPR), whom the trainer determines to be qualified. The training is typically to include the appropriate administration, handling, and storage of the medication; and

(B) Is supervised as deemed necessary by the individual who performs the training pursuant to paragraph (4)(A). Supervision may include, but is not limited to, direct observation or periodic communication by telephone or other electronic means.

(g) “Schoolsite administrator” means the school’s principal or his or her designee.

(h) “Parent/guardian” means the parent or guardian who has legal custody of the pupil.

(i) “Authorized health care provider’s written statement” means the written statement specified in Sections 601(a) and 602.

(j) “Parent/guardian consent” means the written statement specified in Sections 601(b) and 603.

(k) “Medication log” is a form developed by the local education agency for the documentation of medication administration during school. The medication log shall include, but not be limited to, the following information:

(1) Pupil’s name;

(2) Name of medication to be administered;

(3) Dose of medication;

(4) Method of medication administration;

(5) Time the medication is to be administered during the regular school day;

(6) Date of medication authorization;

(7) Authorizing health care provider’s name and contact information; and

(8) A space for daily recording of medication administration, which includes the date medication is administered, time of administration, amount administered, and initials of the designated school personnel administering the medication.

(l) “DULY QUALIFIED SUPERVISOR OF HEALTH” MEANS AN EMPLOYEE OR CONTRACT EMPLOYEE OF THE LOCAL EDUCATION AGENCY (IF ANY) WHO IS EITHER A PHYSICIAN AND SURGEON OR A SCHOOL NURSE, AND WHO IS RECOGNIZED BY THE LOCAL EDUCATION AGENCY AS SERVING IN THE CAPACITY OF DULY QUALIFIED SUPERVISOR OF HEALTH.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 2746.1, 2836.1, 4040 and 4174, Business and Professions Code; Section 49423, Education Code; SECTIONS 44873 AND 44877, EDUCATION CODE.

§ 601. Requirements for Prescription Medication Administration.

A pupil may receive medication during the regular school day when all of the following conditions are met:

(a) A written statement from the pupil’s authorized health care provider, as described in

Section 602, has been received by the schoolsite administrator.

(b) A written statement of consent from the pupil’s parent/guardian, as described in Section 603, has been received by the schoolsite administrator.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 602. Written Statement of Authorized Health Care Provider.

(a) The written statement from the pupil’s authorized health care provider shall include all of the following:

(1) Pupil's name and date of birth;

(2) Name of the medication, as defined in Section 600(b), to be administered and reason for administration;

(3) Dose of the medication;

(4) Method of medication administration, including whether the medication:

(i.) ~~Requires intravenous~~ administration BY INJECTION, or

(ii.) HAS THE POTENTIAL FOR IMMEDIATE SEVERE ADVERSE REACTION THAT WOULD REQUIRE a nursing assessment or dosage adjustment prior to administration;

(5) IF THE MEDICATION IS OF THE TYPE DESCRIBED IN SUBPARAGRAPH (i) OR (ii) OF PARAGRAPH (4), WHETHER THE MEDICATION MAY BE ADMINISTERED BY DESIGNATED SCHOOL PERSONNEL WHO ARE NOT SCHOOL NURSES OR INDIVIDUALS WHO OTHERWISE HOLD A CURRENT PROFESSIONAL LICENSE AUTHORIZING THE RENDERING OF ASSISTANCE TO PUPILS WHO ARE REQUIRED TO TAKE MEDICATION.

~~(5)~~ (6) Time the medication is to be administered during the regular school day;

~~(6)~~ (7) Possible ~~s~~Side effects OF WHICH THE SCHOOL NURSE OR DESIGNATED SCHOOL PERSONNEL SHOULD BE AWARE, including ~~side effects~~ THOSE that may impact student learning or behavior;

~~(7)~~ (8) For medication prescribed on an as needed basis, the symptoms that make administration necessary and the allowable frequency of administration;

~~(8)~~ (9) For medication that is to be self-administered by the pupil, a statement that, in the

opinion of the authorized health care provider, the pupil is competent to safely self-administer the medication as directed by the authorized health care provider;

~~(9)~~ (10) Name, address, telephone number, and signature of the authorized health care provider; and

~~(10)~~ (11) If the authorized health care provider is a nurse practitioner, nurse midwife, or physician assistant, the written statement shall also include the authorized health care provider's furnishing number and name of supervising physician.

(b) The pupil's parent/guardian is responsible for obtaining and providing the school with the authorized health care provider's written statement as described in subdivision (a).

(c) A new written statement must be provided annually and whenever there is a change in medication, dosage, method or time of administration, or authorized health care provider prescribing the medication.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 603. Parent/Guardian Consent.

(a) Before medication may be administered to a pupil during the regular school day by designated school personnel, the pupil's parent/guardian must provide the local education agency, through the schoolsite, a written statement of consent to the administration of medication as described in the authorized health care provider's written statement. When necessary, reasonable accommodations are to be provided to a parent/guardian who has insufficient English language proficiency to produce a written statement or who has a disability that makes it difficult to produce a written statement.

(b) The statement of consent by the parent/guardian must include approval of communication between the schoolsite administrator or his or her designee and the authorized health care provider with regard to the authorized health care provider's written statement.

(c) Statements of consent required, or forms developed by local education agencies to obtain a parent/guardian consent under subsection (a), shall be specifically limited to authorization for communication by the authorized health care provider of information that is directly related to the authorized health care provider's written statement for administration of medication.

(d) A new written consent must be provided annually or any time when there is a new written

statement from the authorized health care provider.

(e) The parent/guardian may terminate the consent to administer medication during the regular school day. A written statement of termination must be submitted to the schoolsite administrator.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 604. Persons Authorized To Administer Medication at School.

~~(a) Medication may be administered during the regular school day by designated school personnel, including administration by subcutaneous injection. If the designated school personnel are individuals other than school nurses or persons who hold a current professional license authorizing the rendering of assistance to a pupil who is required to take medication, they may not administer medications which the written statement described in Section 602 specifies are to be administered intravenously, or has the potential for immediate severe adverse reactions that would require a nursing assessment or dosage adjustment prior to administration.~~

CONSISTENT WITH THE AUTHORIZED HEALTH CARE PROVIDER'S WRITTEN STATEMENT AS DESCRIBED IN SECTION 602 AND, IF APPLICABLE, SUBJECT TO TRAINING PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (f) OF SECTION 600, DESIGNATED SCHOOL PERSONNEL MAY ADMINISTER MEDICATION DURING THE REGULAR SCHOOL DAY. When an Individualized Education Program, prepared in accordance with applicable provisions of the federal Individuals with Disabilities Education Act and Part 30 (commencing with Section 56000) of the Education Code, or a Section 504 Accommodation Plan, prepared in accordance with applicable provisions of the federal Rehabilitation Act of 1973, provides for the administration of medication to a pupil, those provisions shall be implemented, and nothing in this article shall be interpreted as interfering with the implementation of those provisions.

(b) The pupil's parent/guardian or his/her designee may, but shall not be required to, administer medication to the pupil during the regular school day. A parent/guardian who ~~opts~~ CHOOSES to administer medication TO HIS/HER CHILD during the regular school day may do so only under the following conditions:

(1) The parent/guardian administers the medication, or the parent/guardian designates an

individual to administer the medication to his/her pupil during the regular school day, as long as there is no legal reason that would otherwise exclude such individual from being on a school campus or accompanying pupils on an activity as specified in Section 600(a), and the parent/guardian provides a written statement to the schoolsite administrator that identifies the individual who will be administering the medication to the pupil; and

(2) All medications administered during the regular school day by the pupil's parent/guardian or designee are administered in accordance with local education agency policies and procedures for safety and privacy as provided to the pupil's parent/guardian by the school.

(3) IF THE INDIVIDUAL THE PARENT/GUARDIAN DESIRES TO DESIGNATE IS AN EMPLOYEE OF THE LOCAL EDUCATION AGENCY, THEN THE DESIGNATION SHALL BE SUBJECT TO APPROVAL BY THE SCHOOLSITE ADMINISTRATOR PRIOR TO BECOMING EFFECTIVE. THE LOCAL EDUCATION AGENCY SHALL ADOPT POLICY ON ITS EMPLOYEES SERVING AS PARENT/GUARDIAN DESIGNEES IN ORDER TO GUIDE THE SCHOOLSITE ADMINISTRATOR'S DECISIONS.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, AND PART 30 (COMMENCING WITH SECTION 56000), Education Code.

§ 605. Pupil Self-Administration of Medications in School.

(a) Pupils may self-administer medications during the regular school day, pursuant to the authorized health care provider's written statement, and with the consent of the pupil's parent/guardian. Pupils with chronic health conditions such as, including but not limited to, asthma, diabetes, or severe allergies, may have the necessary medication in their possession and may self-administer such medication during the regular school day. The parents/guardians of the pupils must agree that the pupils will self-administer the medication pursuant to the authorized health care provider's written statement. The school shall provide the parents/guardians of pupils who self-administer medication with any local education agency policies and procedures for safety, appropriate administration, and privacy, and the parents/guardians of the pupils must agree that the pupils will self-administer the medication in accordance with such policies and procedures.

(b) The local education agency shall develop policies and procedures for determining when a schoolsite administrator may determine that a pupil who requires medications should not be

allowed to self-administer medication, in order to preserve the health and safety of the pupil who requires medications and for all pupils and staff at the school.

(c) The local education agency must ensure, at a minimum, all of the following, regarding pupil self-administration of medication:

(1) The school has received the authorized health care provider’s written statement, and the parent/guardian consent for the pupil to self-administer ~~the~~ HIS/HER medications during the regular school day;

(2) The designated school personnel will confer with the parent/guardian to determine the level of supervision and monitoring needed by the pupil;

(3) The designated school personnel discusses issues in an age appropriate manner with the pupil self-administering his/her medication to identify individual needs for school accommodations;

(4) The pupil is provided an appropriate level of privacy based on his/her individual needs; and

(5) The designated school personnel will be available to provide assistance to the pupil as necessary.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 606. Delivery and Storage of Medication at School.

The local education agency must ensure, at a minimum, all of the following, regarding the delivery and storage of medication (EXCEPT MEDICATION THAT IS SELF-ADMINISTERED) during the regular school day:

(a) Parents/guardians are informed that:

(1) Medications that are dispensed by prescription only must BE filled by a pharmacist licensed in a ~~S~~state of the United States of America;

(2) Medications must be delivered to the schoolsite administrator or the designated school personnel BY THE PARENT/GUARDIAN OR HIS/HER DESIGNEE in the container labeled by a licensed pharmacist and in a manner that is consistent with the authorized health care provider’s written statement, with a separate labeled container for each medication; and

(2) Medications that do not require dispensing by a pharmacist, but that are prescribed by the

authorized health care provider must be delivered to the schoolsite administrator or the designated school personnel in the original container **BY THE PARENT/GUARDIAN OR HIS/HER DESIGNEE.**

(b) Medications are stored in a manner that is secure and maintains their effectiveness.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 607. Documentation of Medication Administration in School.

The local education agency must ensure, at a minimum, all of the following, regarding documentation of medication administration (EXCEPT FOR SELF-ADMINISTRATION) in school:

(a) Pupil confidentiality IS APPROPRIATELY MAINTAINED;

(b) An individual medication log as defined in Section 600(k) is maintained for each pupil, for each medication administered; and

(c) The date and time of each administration of medication is recorded in the pupil’s medication log and signed by the designated school personnel administering the medication.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 608. Errors in Medication Administration in School.

Any material or significant deviation from the authorized health care provider’s written statement, such as the administration of the wrong medication or the failure to administer medication, must be reported as quickly as possible upon discovery to the schoolsite administrator or his or her designee and to the parent/guardian. If it is determined to be necessary, the schoolsite administrator or his or her designee will notify the authorized health care provider.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

§ 609. Disposal of Unused, Discontinued and Outdated Medication at School.

The local education agency must ensure, at a minimum, that:

(a) Discontinued, and outdated medication are returned immediately and directly to the parent/guardian or his/her designee;

(b) At the end of the school year, all unused medications are returned to the parent/guardian or his/her designee; and

(c) Medications not claimed are disposed of in accordance with applicable state and local laws.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

~~**§ 610. Medication Provided Pursuant to an Individualized Education Program or Section 504 Plan.**~~

~~This article does not apply to the providing of medication to a pupil pursuant to an Individualized Education Program prepared in accordance with applicable provisions of the federal Individuals with Disabilities Education Act and Part 30 (commencing with Section 56000) of the Education Code, or a Section 504 Accommodation Plan, prepared in accordance with applicable provisions of the federal Rehabilitation Act of 1973.~~

~~NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, and Part 30 (commencing with 56000), Education Code.~~

§ 61610. Emergency Epinephrine Auto-Injectors.

This article does not apply to the use of NON-PRESCRIBED emergency epinephrine auto-injectors by employees of a local educational agency which is governed by the specific provisions set forth in Education Code section 49414. TO THE EXTENT THAT ANY DISCREPANCY ARISES IN SPECIFIC CIRCUMSTANCES BETWEEN THIS ARTICLE AND THE PROVISIONS OF EDUCATION CODE SECTION 49414 REGARDING THE USE OF EMERGENCY EPINEPHRINE AUTO-INJECTORS, THE PROVISIONS OF EDUCATION CODE SECTION 49414 SHALL PREVAIL.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Sections 49414 and 49423, Education Code.

§ 612611. Applicability of this Article.

This article applies to a school district only to the extent that Education Code section 49423 creates an obligation on the part of a local education agency to provide assistance to a pupil who is required to take, during the regular school day, medication prescribed for him or her by an authorized health care provider. Beyond that, this article is exemplary.

NOTE: Authority cited: Section 49423.6, Education Code. Reference: Section 49423, Education Code.

SBE February 2003, Item 27
Medication Regulations
Summary of Written Comments Received

As of February 4, 2003, 3:00 P.M., we received 30 e-mails and four letters in response to the proposed medication regulations. A variety of concerns have been raised, some of the more frequent being:

- Fifteen people expressed support for the amendments submitted by the California School Nurses Organization;
- Ten people expressed the view that administration of medication and all medical decisions must be the responsibility a licensed school nurse;
- Eight people expressed the view that only a school nurse has the appropriate qualifications to train personnel to administer;
- Four people expressed the view that the proposed regulations should also pertain to special education students; and
- Four people expressed concern over proposed regulations governing students' self-administration of medication.

A summary of other substantive comments (by section number) follows.

600. Definitions.

The regulations should include a definition of "parent/guardian" that will address foster children, ensuring them a method of receiving medication at school.

The regulations should include a definition of "duly qualified supervisor of health," as defined in the *Education Code*, and a definition of "emergency medication."

The regulations should specify that a "duly qualified supervisor of health" may train and supervise unlicensed designated employees and that supervision shall include all the variations of supervision listed in the section.

The regulations should require the training and supervision of unlicensed staff to be documented and specify that the training include appropriate medication administration, handling and storage.

The regulations should require that unlicensed designated employees have current CPR certification if they are responsible for administering emergency medication.

601. Requirements for Prescription Medication Administration.

The regulations should require that pupils *will* receive medication when specified conditions are met.

602. Written Statement of Authorized Health Care Provider.

The regulations' requirement that a physician include the reason for the medication in the written statement may jeopardize constitutional rights of children and should be, at a minimum, required only on a case-by-case basis with parental consent.

Comments Received as of February 4, 2003, 3:00 P.M.

16

The regulations should not require physicians to list every possible side effect of any medication. This is unrealistic, and it is unlikely that physicians will comply with this requirement.

The regulations should require that school nurses and anyone administering medication be made aware of potential side effects.

The regulations should require that the physician's statement include whether a student is competent to "take responsibility for carrying" medication, not just for self-administration.

The regulations should require that the physician's statement include whether the method of medication administration is by injection.

The regulations should state that prior to the first administration of a new medication or when there has been a medication change, that a duly qualified supervisor of health reviews the medication order.

The regulations as written appear to exceed the authority granted by *Education Code* sections 49423 and 49423.6.

603. Parent/Guardian Consent.

The regulations should require the school nurse to notify the physician if the parent/guardian rescinds the medication administration orders given to the school.

The regulations should state that LEAs cannot require parent/guardian to waive any rights, hold the district harmless, or agree to a particular placement as a condition of having the LEA assist the pupil with medication administration.

The regulations should require that written consent be obtained "each school year" rather than "annually," which would require tracking all through the school year for expirations.

604. Persons Authorized to Administer Medication at School.

The regulations should state that medication shall be administered by licensed or trained individuals and except for emergency medication, not allow unlicensed designated staff to administer medication that is given by injection.

The regulations *should* apply to students with Section 504 accommodation plans, but not to those with Individualized Education Plans.

The regulations should state that the parent designee cannot be an employee of the school district.

605. Pupil Self-Administration of Medications in Schools.

The regulations should not put restrictions on students self-administering medications. Students allowed to self-administer should not need to be evaluated for level of supervision required.

Comments Received as of February 4, 2003, 3:00 P.M.

16

The regulations should recognize that some drugs have a "street value" and/or may be cause allergic reactions and be careful not to overlook other potential dangers of students carrying and self-administering these types of drugs.

The regulations should state that the school nurse has responsibility for determining when a student should be allowed to self-administer medication.

The regulations should limit self-administered medication to "emergency" medication as defined.

The regulations should state that the parent, physician, and/or school nurse must be consulted if the privilege of self-administration is going to be denied by the site administrator and that the decision to not allow the pupil to self-administer must be related to unsafe behavior related to medication use or administration.

606. Delivery and Storage of Medication at School

The regulations should take into account that many uninsured students can only afford to have prescriptions filled in Mexico. The regulations could require school districts to insist that a U.S. doctor sign a written acknowledgement that the student is using a foreign-dispensed medication and that this is ok with the doctor.

The regulations should specify how controlled substances are handled, including: requiring the school to obtain a list of controlled substances; requiring counting and recording of controlled substances upon arrival at school and each time they are administered; and reporting of any discrepancies.

The regulations should specify where medication must be stored and require that stored medication be kept locked to protect it from unauthorized individuals.

The regulations should require that a parent/guardian deliver medication to school.

608. Errors in Medication Administration in School

The regulations should state that mistakes in medication administration must be reported to the school administrator *and* school nurse.

610. Medication Provided Pursuant to an Individualized Education Program or Section 504 Plan.

The regulations should delete this section and replace it with more inclusive language, as it appears to exclude pupils with special needs.

612. Applicability of this Article

The regulations should delete this section since other amendments would make the administration of medication a requirement.

General Comments

- Two comments were received expressing general support for the regulations.
- One comment was received expressing general opposition for the regulations.

**FEBRUARY 2003 AGENDA**

SUBJECT		ACTION
Career Technical Education (CTE) Standards and Framework	X	INFORMATION
		PUBLIC HEARING

Recommendation:

None - this item is for information only.

Summary of Previous State Board of Education Discussion and Action

Existing law requires the Superintendent of Public Instruction (SPI) to coordinate the development, on a cyclical basis, of model curriculum standards for a career technical education (CTE) course of study necessary to assist school districts with those requirements. Existing law requires the standards for a career technical education course of study to be adopted no later than May 1, 1991. Though vocational program standards exist under the Challenge Initiative, they have not been submitted to the State Board of Education (SBE) for adoption.

Summary of Key Issue(s)

It has been determined through in-depth study and consultation over the last several years, that a more comprehensive set of CTE standards must be developed in order to prepare students for careers that offer high skill levels and corresponding wages, significant employment levels, and career ladder opportunities. As a result of this conversation, the Governor signed recent legislation, AB 1412 (Wright and Wyland) and SB 1934 (McPherson), statutes of 2002, to address this issue. Pursuant to this legislation, the Superintendent of Public Instruction (SPI) is required to develop both CTE curriculum standards and a CTE framework over the next three and one-half years. The new legislative requirements extend the time for development and adoption of the CTE standards by the SBE to June 1, 2005. Upon adoption of the model curriculum standards by the SBE, the SPI is to develop a model CTE curriculum framework for implementation no later than June 1, 2006. Both the standards and framework must be developed in consultation and coordination with an advisory group, as specified in the legislation. The legislation stipulates that adoption of the model curriculum framework by local educational agencies is voluntary.

Fiscal Analysis (as appropriate)

The legislation specifies that the costs incurred in developing the CTE standards and framework must, to the extent permitted by federal law, be covered solely by funds available pursuant to the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. Sec. 2301).

In order to complete these tasks, a number of major activities must occur during the next several years, including, but not limited to: establish and convene required advisory groups; coordinate activities of various work groups; develop draft and final standards and framework; conduct

Fiscal Analysis (as appropriate)

public review process; publish and distribute standards and framework; develop and conduct professional development. It is projected that the cost to complete this work will be approximately \$1,000,000 through June 2006.

Attachment(s)

[Attachment 1](#) – Page 1 of 6: Chaptered Bill Text for AB 1412

[Attachment 2](#) – Page 1 of 6: Chaptered Bill Text for SB 1934

BILL NUMBER: AB 1412 CHAPTERED
BILL TEXT

CHAPTER 988
FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2002
APPROVED BY GOVERNOR SEPTEMBER 27, 2002
PASSED THE ASSEMBLY AUGUST 31, 2002
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INTRODUCED BY Assembly Members Wright and Wyland
(Coauthor: Assembly Member Wiggins)
(Coauthor: Senator McPherson)

FEBRUARY 23, 2001

An act to amend Section 51226 of, and to add Sections 51221.5, 52525, and 66205.5 to, the Education Code, relating to adult and career technical education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1412, Wright. Career education.
Existing law sets forth the required course of study for schools maintaining grades 7 to 12, inclusive, including, but not limited to, courses in vocational-technical education.

This bill would provide that the term "vocational-technical education" shall have the same meaning as "career technical education."

Existing law requires the Superintendent of Public Instruction to coordinate the development of certain model curriculum standards regarding high school graduation requirements and for a vocational education course of study. Existing law also requires the superintendent to develop curriculum standards for education courses and adopt those standards by May 1, 1991.

This bill would extend the time for adoption of the curriculum standards to January 1, 2005, and would require the superintendent to work with an advisory group with a specified membership in developing the standards. This bill would state the intent of the Legislature that school districts not be required to make curriculum changes pursuant to these or related provisions.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable. Among other things, the act sets forth legislative intent relating to admission to the University of California and the California State University.

This bill would require the California State University, and would request the University of California, to establish model uniform academic standards, develop, by January 1, 2006, a speedy process whereby high schools may obtain approval of their courses as satisfying specified admissions requirements, and develop a simple procedure to evaluate a career technical education course that is submitted by one high school that identifies it as a duplicate of a course offered by another high school that is approved by, and satisfies the admission criteria of, the university, with the duplicate course being approved to the same extent as the original.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 51221.5 is added to the Education Code, to read:

51221.5. For the purposes of this code, the phrase "vocational-technical education" shall have the same meaning as "career technical education" as described in subdivision (i) of Section 51220.

SEC. 2. Section 51226 of the Education Code is amended to read:

51226. (a) The Superintendent of Public Instruction shall coordinate the development of, and the State Board of Education shall adopt, model curriculum standards for the career technical education course of study permitted pursuant to subdivision (b) of Section 51225.3. To assist school districts in complying with subdivision (b) of Section 51228, the model standards shall integrate career technical education with the prescribed course of study pursuant in subdivision (b) of Section 51225.3. However, neither the superintendent nor the board shall adopt regulations on course content or methods of instruction pursuant to this section.

(b) In developing the model curriculum standards, the superintendent shall work in consultation and coordination with an advisory group, including, but not limited to, representatives from all of the following:

- (1) Business and industry.
 - (2) Institutions of higher education, including, but not limited to, the California Community Colleges, the University of California, and the California State University.
 - (3) Classroom teachers.
 - (4) School administrators.
 - (5) Parents and guardians.
 - (6) The Legislature.
- (c) The superintendent shall, to the extent applicable,

Incorporate the integration of career technical and academic education into the development of curriculum standards for career technical education courses. The standards for a career technical education course of study shall be adopted by January 1, 2005.

(d) Costs incurred by the superintendent in complying with this section shall be covered solely by funds available pursuant to the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. Sec. 2301).

SEC. 3. Section 52525 is added to the Education Code, to read:

52525. The Legislature finds and declares all of the following:

(a) A healthy state economy is dependent on an educated and well-prepared workforce. Career technical education plays a critical role in developing the workforce necessary for the economic viability of the state, keeping pupils engaged in the educational process, and providing meaningful skills that translate to productive careers.

(b) Data and projections from the Employment Development Department reveal that between the years of 2000 and 2006, approximately 711,290 jobs that do not require a college degree will need to be filled.

(c) The United States Department of Labor indicates that only about 20 percent of the jobs in the workforce require a baccalaureate degree.

(d) The State Department of Education reports that over 75 percent of the "industrial technology education," which includes, but is not limited to, automotive, construction, and manufacturing programs in California's schools have closed since the mid-1970s.

(e) The Employment Development Department and other sources reveal that current course offerings and enrollments are insufficient to fill the projected need of the state's future labor market. Existing courses provide only 65 percent of the projected course requirements.

SEC. 4. Section 66205.5 is added to the Education Code, to read:

66205.5. The California State University shall, and the

University of California is requested to, do all of the following:

(a) Establish a model uniform set of academic standards for high school courses, including career technical courses pursuant to subdivision (i) of Section 51220, for the purposes of recognition for admission to the California State University and to the University of California, respectively. In developing the model academic standards, the faculty of the postsecondary segments may work in consultation with administrators and faculty from schools maintaining any of grades kindergarten through 12. Participating schools that maintain any of grades kindergarten through 12 shall consult with an advisory group that shall include, but need not be limited to, representatives from all of the following:

(1) The University of California and the California State University.

(2) Business and industry, related to career technical programs in any of grades kindergarten through 12, inclusive.

(3) Classroom teachers in career technical education.

(4) School administrators.

(5) Parents.

(b) Develop and implement a speedy process whereby high schools may obtain approval of their courses to satisfy specified admissions requirements of the California State University and the University of California, respectively, by January 1, 2006. The approval process shall, by August 1 of each school year, notify applying schools whether the application for approval has been approved or denied.

(c) Develop a simple procedure to evaluate a career technical education course submitted by a high school that identifies it as a duplicate of a course offered by another high school that is approved by and satisfies the admissions criteria of the California State University or the University of California. The procedure shall ensure that a duplicated course shall be approved as satisfying the admissions criteria of the California State University or the University of California, respectively, to the same extent as the original course if the review determines that the course successfully

duplicates the content and requirements of the original course. If a course is not approved as a duplicate, the California State University or the University of California shall inform the applicant high school of the reasons why the course was not approved and shall provide the applicant with a specific list of requirements that the course must meet in order to be approved as a duplicate. In the event an applicant high school, whose course was not approved as a duplicate, revises the course and resubmits its application, the California State University or the University of California shall respond as expeditiously as possible so that if the course meets the necessary requirements for approval it may be offered in the next fall term.

(d) Take into consideration any previous work completed or policies adopted regarding matters related to subdivisions (a) to (c), inclusive, by the California State University or the University of California, respectively.

SEC. 5. It is the intent of the Legislature that a school district maintaining any of kindergarten to grade 12, inclusive, shall not be required to make changes to existing curriculum pursuant to the amendments made to Section 51226 of the Education Code by this act or by the addition of Section 66205.5 of the Education Code, added by this act.

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INTRODUCED BY Senator McPherson
(Principal coauthor: Assembly Member Liu)
(Coauthors: Assembly Members Nakano, Salinas, Strom-Martin,
Wiggins, and Wyland)

FEBRUARY 22, 2002

An act to amend Sections 51226 and 51228 of, and to add Section
51226.1 to, the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1934, McPherson. Career technical education.

(1) Existing law requires the Superintendent of Public Instruction to coordinate the development, on a cyclical basis, of model curriculum standards for a career technical education course of study necessary to assist school districts with those requirements. Existing law requires the standards for a career technical education course of study to be adopted no later than May 1, 1991.

This bill would instead require the adoption of those standards for career technical education by June 1, 2005, and would require the Superintendent of Public Instruction, upon adoption of the model curriculum standards by the State Board of Education, to develop a model curriculum framework for implementation of career and technical education no later than June 1, 2006, as specified. The bill would require the superintendent to develop the curriculum framework in consultation and coordination with an advisory group, as specified, and would prescribe related matters, including that adoption of the model curriculum framework by local educational agencies would be voluntary.

(2) Existing law requires school districts maintaining any of grades 7 to 12, inclusive, to offer to all otherwise qualified pupils in those grades a course of study that provides an opportunity for those pupils to attain entry-level employment skills in business or industry upon graduation from high school.

This bill would encourage school districts to provide all pupils with a rigorous academic curriculum that integrates academic and career skills, incorporates applied learning in all disciplines, and prepares all pupils for high school graduation and career entry.

(3) The bill would provide that implementation may only be with federal funds that are available for the purposes set forth in the bill.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) It is the intent of the Legislature, in enacting this act, that model curriculum standards and framework for career technical education be created in a manner that allows all pupils to pursue and prepare for the career of their choice and that recognizes the importance of building a skilled workforce.

(b) The State Department of Education shall use existing federal,

administrative, and leadership funds from the federal Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. Sec. 2301 and following) for the development of the career and technical education frameworks.

(c) It is further the intent of the Legislature that the members of the advisory group created pursuant to subdivision (b) of Section 51226.1 of the Education Code for the purpose of assisting the Superintendent of Public Instruction in creating model career-technical education standards and a model curriculum framework for career technical education represent all key stakeholders and work toward realizing the goals set forth in subdivision (a).

SEC. 2. Section 51226 of the Education Code is amended to read:

51226. The Superintendent of Public Instruction shall coordinate the development, on a cyclical basis, of model curriculum standards for the course of study required by Section 51225.3 and for a career technical education course of study necessary to assist school districts with complying with subdivision (b) of Section 51228. The superintendent shall set forth these standards in terms of a wide range of specific competencies, including higher level skills, in each academic subject area. The superintendent shall review currently available textbooks in conjunction with the curriculum standards. The superintendent shall seek the advice of classroom teachers, school administrators, parents, postsecondary educators, and representatives of business and industry in developing these curriculum standards. The superintendent shall recommend policies to the State Board of Education for consideration and adoption by the board. The State Board of Education shall adopt these policies no later than January 1, 1985. However, neither the superintendent nor the board shall adopt rules or regulations for course content or methods of instruction.

The superintendent shall, to the extent applicable, incorporate the integration of career technical and academic education into the development of curriculum standards for career technical education courses. The standards for a career technical education course of study shall be adopted no later than June 1, 2005.

SEC. 3. Section 51226.1 is added to the Education Code, to read:

51226.1. (a) Upon adoption of the model curriculum standards developed pursuant to Section 51226, the Superintendent of Public Instruction shall develop a curriculum framework consistent with criteria set forth in subdivision (a) of Section 60005 that offers a blueprint for implementation of career and technical education. The framework shall be adopted no later than June 1, 2006.

(b) In developing the framework, the superintendent shall work in consultation and coordination with an advisory group, including, but not limited to, representatives from all of the following:

- (1) Business and industry.
- (2) Labor.
- (3) The California Community Colleges.
- (4) The University of California.
- (5) The California State University.
- (6) Classroom teachers.
- (7) School administrators.
- (8) Pupils.
- (9) Parents and guardians.
- (10) Representatives of the Legislature.
- (11) The State Department of Education.
- (12) The Labor and Workforce Development Agency.

(c) In convening the membership of the advisory group set forth in subdivision (b), the Superintendent of Public Instruction is encouraged to seek representation broadly reflective of the state population.

(d) Costs incurred by the Superintendent of Public Instruction in complying with this section shall be covered, to the extent permitted by federal law, by the state administrative and leadership funds available pursuant to the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. Sec. 2301).

(e) In developing the framework, the Superintendent of Public Instruction shall consider developing frameworks for various career pathways that will prepare pupils for both career entry and matriculation into postsecondary education.

(f) The adoption of the framework developed and adopted pursuant to this section by a local educational agency shall be voluntary.

SEC. 4. Section 51228 of the Education Code is amended to read:

51228. (a) Each school district maintaining any of grades 7 to 12, inclusive, shall offer to all otherwise qualified pupils in those grades a course of study fulfilling the requirements and prerequisites for admission to the California public institutions of postsecondary education and shall provide a timely opportunity to each of those pupils to enroll within a four-year period in each course necessary to fulfill those requirements and prerequisites prior to graduation from high school.

(b) Each school district maintaining any of grades 7 to 12, inclusive, shall offer to all otherwise qualified pupils in those grades a course of study that provides an opportunity for those pupils to attain entry-level employment skills in business or industry upon graduation from high school. Districts are encouraged to provide all pupils with a rigorous academic curriculum that integrates academic and career skills, incorporates applied learning in all disciplines, and prepares all pupils for high school graduation and career entry.

(c) Any school district that adopts a required curriculum that meets or exceeds the model standards developed and adopted by the State Board of Education pursuant to Section 51226 shall be deemed to have fulfilled its responsibilities pursuant to subdivision (b).

(d) Any school district that adopts a required curriculum pursuant to subdivision (c) that meets or exceeds the model standards developed by the State Board of Education pursuant to Section 51226, or that adopts alternative means for pupils to complete the prescribed course of study pursuant to subdivision (b) of Section 51225.3, may substitute pupil demonstration of competence in the prescribed subjects through a practical demonstration of these skills in a regional occupational center or program, work experience, interdisciplinary study, independent study, credit earned at a postsecondary institution, or other outside school experience, as prescribed by Section 51225.

SEC. 5. The provisions of this bill may only be implemented with federal funds that are available for the purposes set forth in this bill.